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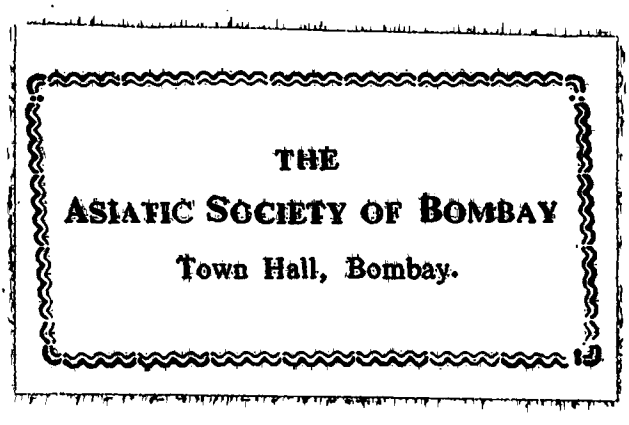

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A

HISTORY OF ENGLAND

DURING

THE REIGN OF GEORGE THE THIRD

BY

WILLIAM MASSEY M.P.

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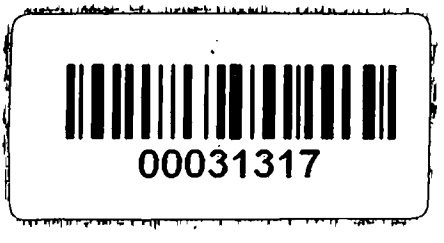

PREFACE.

THE publication of this Volume has been delayed by engagements which I had not anticipated when the Introductory Volume was committed to the press. The Work, however, is now so far advanced, that I may hope to place it before the Public, in a complete state, at an early day.

LONDON, *June*, 1858.

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A

HISTORY OF ENGLAND

DURING

THE REIGN OF GEORGE THE THIRD.

CHAPTER XIV.

CONDITION OF MANNERS IN THE MIDDLE AGES — RELIGION AND MORALS — CHIVALRY — WAR OF THE ROSES — THE REFORMATION — INTELLECTUAL PROGRESS — THE TUDORS — STATE OF EDUCATION — ARCHITECTURE — BARONIAL RESIDENCES — POWER OF THE CROWN — AUTHORITY OF THE CHURCH — RISE OF RELIGIOUS FREEDOM — SOCIAL PROGRESS — GENERAL IMMORALITY — INSTITUTION OF A SYSTEM OF POLICE — PUBLIC THOROUGHFARES — ENGLISH MOBS — BAD EFFECTS OF THE SEVERE PENAL CODE — MODERN IMPROVEMENT.

Ch. 14.

Preliminary remarks.

IN the former volume, it was my aim to describe the state of parties during the first decade of this reign, and to make the minor detail of political history subservient to that object. The ascendancy of the Court being fully established, and the action of party reduced to occasional convulsive

Ch. 14. struggles, I willingly turn, for a time, from the beaten track of politics and war to explore a region less known, but far more interesting, and more worthy of illustration. I shall hope, therefore, to fill a few pages not altogether unprofitably, by a sketch, however slight and imperfect, of the state of society in England, and the development of modern manners.

In making this attempt, I have not to apologise for any digression: for, in truth, there is no essential distinction between the social and political history of this country; nor, indeed, is such a distinction philosophically or practically just, when applied to any country. It is in the fact, that no such distinction can be established, that statesmen and politicians have found almost all their difficulties since the world began. If it were possible to frame constitutions and laws without reference to the manners of the people, the art of government might be referred to a few general principles of universal application; Russia and England, France and Spain, Italy and Holland, might be ruled by the same system of polity.

Progress of Manners.

In proportion as a people are actuated by the spirit of freedom, intelligence, and enterprise, the correspondence between their institutions and their manners becomes more and more intimate. It is the province of the historian, therefore, not only to trace the progress of manners, but of those causes and agencies by which manners have been moulded and influenced.

Former condition of the Commons.

For many centuries the Commons were of little or no account in the political system of England. Their free and sturdy spirit often attempted to rise, but was always put down by an overbearing aristocracy, which would neither brook the authority of a prince, nor tolerate any independence on the side of the people. For one hundred and twenty years, civil government was lost amidst wars, in which the fierce nobility contended among themselves for objects, in which the public interests were but accidentally concerned. The politic and far-sighted prince, in whose person was terminated the rival pretensions of York and Lancaster, took advantage of their exhaustion to depress still farther a body who were alike the foes of monarchy and of freedom. The Commons, encouraged and brought forward by the selfish policy of the Norman and Tudor princes merely for the purpose of counterbalancing the nobles, went on increasing, until they themselves, in the succeeding dynasty, waged successful war against the throne, which had been built upon the ruins of the feudal system. The Revolution restored the power of the oligarchy, and for eighty years they arrogated the government of the country, keeping the kings of England in as much subjection as they had ever done the weakest of the Edwards and the Henrys. They have never quite recovered the ascendancy which George the Third wrested from them after a struggle of twelve years. The people have since still further circumscribed their power; but the

Ch. 14. political influence of the higher orders has never been subdued, and is to this day preponderant.

The progress of manners is but imperfectly traced through the obscurity of the Middle Ages; nor do I intend to epitomise the learned and ingenious speculations of various writers on this subject. It is certain that the social and political condition of the mass of the people was one of extreme depression; their dwellings were such as would now be hardly thought fit to shelter brutes; and their food, though perhaps sufficient to sustain life, was of a quality which would not now be offered to the meanest vagrants. The insolence and oppression to which they were subjected frequently provoked even these miserable serfs to rise against their tyrants; and the aristocratic factions, on such occasions, suspended internecine war to turn their arms against the common enemy. Except the scanty inhabitants of a few chartered towns, there was no class between the degraded peasantry and the equestrian order; and as the manners of polished life at the present day are traced to the influence of that order, our sketch would be imperfect without some passing notice of a subject even so familiar as the chivalry of the Middle Ages.

Religion and morals in the Middle Ages.

The principles of action recognised by a member of the order of Chivalry, as at once the rules of his conduct in this life, and the foundation of his hopes for the next, were the love of God and of women. This association of duties, for as such

they were inculcated, is significant of the religion and morality of the Middle Ages. But the doctrine of redemption, as taught in those times, was a superstition hardly less vile and trivial than any that has debased and deluded human nature. Instead of being enjoined to control their passions, and mortify their sinful affections, to live in the practice of truth, justice, and charity, men were taught an implicit reliance on the venal intercession of pretended saints for the expiation of their sins. The priesthood was a profession which existed by the crimes and vices of the people; and its evil influence is apparent in the wealth and splendour of the Church before the Reformation.

Nor was this religion redeemed by the grandeur or plausibility of its symbols or traditions. The mythology of the ancients was elegant, if not of a pure and elevated standard. The apotheosis of a hero, a statesman, or even a tyrant, had in it something flattering to the higher aspirations of the soul. The omens, the oracles, the mysteries, and sacrifices, of ancient Rome, kept alive the principle of Faith, without which the condition of mankind is to the last degree precarious and forlorn. But the machinery of modern Rome is coarse and rude. The canonization of a maniac or an impostor was a poor imitation of the sublime idea which placed the first of mortals, after he had run his earthly career, as an associate with the gods. The miracles wrought by these miserable saints in their lives, and by their dry bones after

Ch. 14. their deaths; the worship of their paltry images; the signs, the wonders, the corporal punishments, the penances, the mummery, the grimace of a spurious Christianity, were hardly less adverse to the interests of true religion than a paganism which was linked with poetry and the arts.

It is difficult to suppose that a generation wholly illiterate, and oppressed by a dull and sordid superstition, could be animated by the noblest sentiments of virtue, as well as by a strict regard to the minor morals which embellish polite life; we are not required to believe anything so improbable. Magnanimity, honour, justice, truth, chastity, courtesy, can never, I hope, be wholly eradicated from human nature; but the examples of such virtues are rare in a barbarous age, and shine with greater lustre from the darkness which surrounds them. Rapine, falsehood, tyranny, lust, and violence, were the real characteristics of the gloomy interval between the fall of the Roman empire and the rise of modern society.

Influence of chivalry on modern manners.

But, without attributing to a state of society which, though strained to a certain fantastic and unnatural fashion, was essentially rude and barbarous, the influence of qualities which have never yet predominated amidst the refinement of ancient or modern manners, it is, nevertheless, from the sentiment and practice of a chivalrous age, that the grace and polish of modern life is mainly derived. The adoption of slavery in the domestic institutions of Greece and Rome went far to reduce the

relation of the sexes to the mere level of concubinage; the Christian dispensation restored to woman her just rights, and endowed the conditions of wife and mother with the respect and authority which are their due. Still something was needed to redress the inequality between the weaker sex and the proud lord of the creation. This defect was supplied by the institution of chivalry. The homage paid to women, extravagant and fantastical as it was, introduced a new principle into social life. The divine law, while it decreed that man should be the husband of one wife, still required the woman to *obey*. But the Christian knight deemed it his highest preferment to be the obsequious slave of woman; and the two cardinal virtues of chivalry, valour and love, were expressed by the one word, *gallantry;* though whether manners were not refined by this beautiful fanaticism at the cost of morality may perhaps be doubted. Certain it is, that the age of chivalry was not less dissolute than that of Charles the Second, or of the Regent Orleans. At no period was the marriage tie more frail than when women were all but worshipped. The offspring of lawless love was hardly, if at all, inferior in social position to the issue of wedded vows. It was a common practice for men of high rank to assume, as a surname, the designation of unlawful birth, as they would that of Beauclerc or Longsword. Frequently the bold Bastard succeeded to his father's inheritance, and sometimes even took possession of a throne to the

Ch. 14.

Chivalric gallantry.

Ch. 14. disherison of his legitimate brother. It was equally in vain that the Church denounced incontinence as a mortal sin; and that the law of the land refused to recognise the title of a bastard to any position in society. The most illustrious members of the most exclusive and punctilious aristocracy the world ever saw were not ashamed to display the bar sinister on their shields; and even the paramour of a gentleman, if herself noble, was neither disqualified to retain her position in society, nor considered unworthy to form a matrimonial alliance with a knight of unblemished honour.

Influence of chivalry on the female character.

The effect, as well as the tendency, of these manners, was to weaken female modesty and reserve. With the religion of the Confessional, and the education of Romance, fed by adulation from the hands of valour and chivalry, amused by the still more seductive talents of minstrels and pages, living in idleness, luxury, and vanity, it would have been marvellous indeed if women had withstood the temptations to which they were exposed. The noble and gallant cavalier expected, and obtained the reward of his devotion; the licentious and insinuating troubadour was a still more frequent and successful suitor in the bower of beauty. Nevertheless, this fashion of gallantry, though adopted perhaps in mere wantonness or caprice, has indelibly stamped the character of modern society. Freed from the exaggeration and grossness of its origin, the sentiment of chi-

valry has acquired a more amiable and generous character. If the sex are no longer worshipped with enthusiastic and passionate devotion, they are amply compensated by an ever vigilant and delicate attention, by a more sincere respect, and by an affection which, though less fulsome in its expression, is not less deep and ardent. The old as well as the young, the homely as well as the fair, alike experience the generous gallantry of an enlightened age. Ch. 14.

Chivalric notions of honour

Linked with this charming virtue; and sprung from the same source, was the kindred sentiment of Honour. As the intercourse of the sexes was regulated by gallantry, the relations between gentlemen were governed by the law of honour. Though this law was undoubtedly the invention of chivalry, it hardly admits of accurate definition. It existed independently of, if not superior to, the law of God and man; and was, in many important particulars, consistent with the violation of both. It was the privilege of a gentleman to set up his own standard of morality, and to disdain the obligations which bind ordinary men. Oaths and engagements of the most solemn kind were regarded very much as promises made under duress, which might be eluded or set aside; but the perjured knight shrank from the certain disgrace which would attend the slightest evasion of his plighted word. He might commit deeds of injustice, treachery, and cruelty, nay, open robbery and murder, and yet maintain his chivalrous cha-

Ch. 14. racter; but he was accounted ever infamous who failed to resent the slightest affront; who took an unfair advantage of his mortal foe; or who shrank from poverty, bondage, or death, in the fulfilment of an idle vow, in the service of his mistress, or in the performance of military duty. 'All is lost save honour,' was the famous saying of Francis the First on the fatal field of Pavia. Yet this chivalrous prince thought it no shame to obtain his ransom on the most favourable terms from his conqueror on the faith of solemn stipulations, every one of which he had previously determined to violate.

Conservative influence of chivalry.

Yet this strange conventional morality, which seemed destructive of the plain principles of honesty and truth, was in effect conservative of both. In an age when the church offered, to the rich and powerful, ready dispensation from duties and engagements even of the most solemn kind, and condoned offences against the law of God for pecuniary penalties, the only safeguard against an utter depravation of manners in the privileged class was in the existence of some restraint on conscience, which the priest could neither bind nor loose. Such a restraint is Honour, whose decrees, though enforced neither by spiritual terrors nor the arm of the civil magistrate, are still implicitly obeyed by many who regard no other law, human or divine.

Code of honour.

The code of honour, as practised in the dark ages, was imperfect and uncertain, as their gal-

Abduction of females.

lantry was gross and capricious; but the general prevalence of these sentiments mitigated the ferocity of military barbarism, and introduced that courtesy, benevolence, and self-respect, upon which the character of a gentleman is based. Frequently, indeed, it happened, notwithstanding the homage with which the sex were treated, that a woman of birth was carried by force to the castle of some baron, or was fain to fly to sanctuary from the rudeness and violence of a belted knight. Frequently, also, cavaliers were to be found, whose crimes and profligacy brought contempt on their pretensions to that quality which they claimed as the peculiar distinction of their order. But later times can furnish similar examples. Long after the order of chivalry was extinct, when the ascendancy of the laws was fully recognised, and the arts and usages of polished life extensively obtained, the abduction of females by men of rank and fashion was not a rare occurrence. Many of the best written novels of the earlier half of the eighteenth century contain some incident of this kind; the perpetrators of such outrages are represented as the finest gentlemen of the age, and are often at last rewarded by poetic justice with the lawful possession of beauty and virtue. The satirical pictures of a man of honour of the same period are equally numerous. Lord Chesterfield, who should have been well informed on such a point, describes him as a cheat, a bully, and a rake.[a] Other authors who knew the world, though

[a] *The World.*

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Results of the War of the Roses.

The War of the Roses was the last of the wars which belonged to the mediæval period; and chivalry, which had long been declining, at length sank for ever on the field of Bosworth. The civil strife, which afterwards convulsed the realm, was no longer the struggle of rival pretensions to the crown, but the conflict of great religious and political principles. The first act of the awakened mind of Europe was to rebel against the spiritual bondage of Rome; and the impulse given to the human intellect by this momentous struggle between established authority and free inquiry on matters of eternal truth, was soon communicated to other questions of equal magnitude so far as temporal interests were concerned. Accordingly, civil and religious liberty advanced hand in hand, until within a century and a half, — a period comparatively brief, if we look back upon the ages of darkness which separated ancient from modern civilisation — a reformed and enlightened creed had, for the most part, supplanted the old superstition, and the noblest fabric of civil govern-

ment which the world has ever witnessed had been reared from the foundation. During the same space, Science, unknown to ancient wisdom, had discovered many of the most important secrets of nature; the Arts had been illustrated by works of genius and taste, upon which the emulation of later times has been unable to improve; and, above all, a Literature had been created which rivalled that of Greece or Rome. Shakespeare, improving upon a series of predecessors and contemporaries, many of them poets of rare genius, had brought the Drama to perfection; Milton had compiled an Epic, which might compare with the master-pieces of antiquity; Bacon had founded a system of philosophy more complete and accurate than any which had been found in the famous schools of Athens; Locke had expounded the truths of moral and political science; Harvey, by a process of inductive reasoning, had arrived at that beautiful discovery upon which the knowledge of medicine has since been founded; and, lastly, Newton had illustrated those wonderful and sublime doctrines of natural philosophy, the inculcation of which is among the highest achievements of human sagacity and wisdom. Ch. 14.

The Reformation. Its influence on education.

The Reformation at once emancipated the human mind from the bonds of a gross superstition, and dispelled the dense ignorance by which it had been oppressed. The policy of Rome has always discouraged education; and found in ignorance its most powerful ally. The very offices of her church

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are shrouded in the obscurity of a dead language. Her symbols of salvation, her ceremonies, and even her furniture, are called by names unintelligible to the vulgar. Up to the time when Wickliff and Luther proclaimed their mission, the learning still extant was almost monopolised by the clergy. The very term 'clerk,' which is still used to designate a person in holy orders, merely implied the knowledge of reading and writing. The Church of Rome, in the time of her ascendancy, claimed for her ministers exemption from the secular power; and it was considered sufficient to entitle an offender against the laws to this privilege, which was called 'benefit of clergy,' that he could read or write. This privilege was for the first time limited in its application to the laity by a statute passed in the reign of Henry the Seventh.

Intellectual progress in the sixteenth century.

The amazing intellectual progress of the sixteenth century would have been merely impossible under the spiritual domination of Rome. Her thunder would have been pointed at the spirit of free enquiry, which sought to establish standards of thought and action independent of her guidance and sanction. Milton would have been excommunicated, and Newton would have shared the fate of Galileo. A reformed religion was, therefore, necessary to the revival of the human mind; and the reaction was the more sudden and striking, from the pressure which had weighed down the springs of thought during ten centuries.

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It would be difficult to overstate the prodigious and immediate effects of the Revolution of the sixteenth century, in comparison with which all other revolutions, of which History has preserved any record, are but local changes of more or less importance and duration. The event of 1648, which occupies so great a space in the history of this country, was but a supplement to the Reformation, as the event of 1688 was a supplement to that of 1648.

Shakespeare and Bacon.

The progress of the human mind, rapid and portentous as it was, could not keep pace with the transcendant exploits of the highest order of intellect. Shakespeare and Bacon were still in advance of their age. Several generations, indeed, elapsed before the author of 'Hamlet' and 'Lear' was recognised as the greatest master of human nature the world had yet seen; and the illustrious philosopher makes a touching allusion to the deficiency of the times, when he bequeaths the appreciation of his genius to a future age. Still this noble literature at once dispelled the grosser legends of the dark ages, and put to flight the giants and monsters of romance.

The Tudors.

In the higher classes, the change of manners was, of course, most conspicuous. Few of the great barons, who were summoned to the parliaments of the Plantagenets, could read or write; they subscribed legal documents either with a sign of the cross, or the heraldic cognisances of their

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families or rank.[b] Of the Tudor nobility none, perhaps, was destitute of the rudiments of education. Some of them were remarkable for learning, for eloquence, and civil wisdom. Henry himself was not devoid of polemical talent, and indulged the ambition of engaging in controversy with the great heretic of the age. In the reign of Elizabeth, gross ignorance in a man of rank would have been as disgraceful as the least tincture of letters would have been a mark of distinction not, perhaps, highly honourable in his grandsire. The sons of the lesser nobility, instead of being sent to the castles of the great barons for such an education as the tilt-yard and the hall could furnish, were taught to be more useful members of society than knights-errant and squires of dames. The practice became prevalent of sending youths to schools and universities both at home and abroad. Many young gentlemen applied to the study of the law, which, after the Reformation, became exclusively the profession of the laity. Some were sent to learn the art of amassing fortunes in the booths and warehouses of the city; and for many a year the apprentices of London were famed for their high spirit and audacious bearing.

Henry the Eighth.

Improved education of the lesser nobility.

It is hardly possible that society can attain a high standard, without the ordinary comforts and decencies of domestic life. Ecclesiastical and military architecture attained perfection

Domestic architecture of the Middle Ages.

[b] Several *facsimiles* of these curious signatures are to be found in the Appendix to the Paston Letters.

Condition of baronial residences.

during the Middle Ages. The magnificent temples still extant, as well as those abandoned to decay, the huge castles and mouldering keeps, are striking monuments of superstitious and turbulent times. But the fortresses raised by the pride and grandeur of men who must be considered as petty princes rather than feudal barons, were designed for the accommodation of numerous military retainers, and for security against attack. The internal arrangements of these structures made no provision for domestic privacy. The great hall was the common resort for the whole household, and for visitors and wayfarers of every description. The small unglazed windows near the ceiling, while they let in rain and wind, hardly admitted the day. Without the ventilation, however, which such apertures afforded, the atmosphere of the apartment would have been insupportable. The accumulated odours of viands, of smoke half returned from the imperfect chimney, of human beings of every description, men-at-arms, footmen, serving-men, minstrels, wandering friars, devotees under vows against clean linen, and mendicants swarming with vermin, dogs and cats, and, beyond all, the stench arising from the untold abominations of the floor, on which layers of rushes were spread, like the compost of a farm-yard, must frequently have bred pestilence, had it not been for the current of fresh air which continually circulated through the chamber. A bed was a luxury rarely found in the castles and mansions of the

Ch. 14. Plantagenet nobility; separate chambers were also rare; and, for the most part, knights and ladies, horseboys and scullions, littered down in one common dormitory, after a fashion which would hardly be tolerated now in a well-appointed Refuge for the Destitute.[c]

Houses of the gentry.

The dwellings of the inferior gentry, though not pretending to belong to the class of fortified houses, were constructed mainly with a view to defence against robbery and violence. A moat generally surrounded the building, and the access to the upper apartments was by an external staircase, which was drawn up like a portcullis. The interior arrangements, like those of the baronial castles, were deficient in almost every provision for comfort and decency. Few of the manor houses built before the time of the Tudors, are now occupied by gentry; and those which are so inhabited, have undergone considerable alterations, both within and without; some of them are still used as farm-houses and dwellings for labourers.

Elizabethan mansions.

It was not until the reign of Elizabeth that any considerable progress was made in domestic architecture. Many of the most commodious and stately mansions, inhabited by the rural aristocracy, date from this period; and beyond some points of detail, it may be doubted whether any improvement has been made on the fine old English manor-house of the sixteenth century.

[c] *Domestic Architecture of the Middle Ages*, 75.

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The warlike and insolent nobility of the Middle Ages having almost perished during the wars of the Roses, the politic prince, whose accession terminated these conflicts, sought, by every means, to prevent the revival of an order, the ascendancy of which was incompatible, not only with monarchical power, but with all regular government. To mortify and impoverish the great barons was the avowed aim of the house of Tudor. Many of them, under frivolous pretexts, were subjected to heavy amercements; not a few were banished, or brought to the block. A new order of nobility replaced the knights and barons, who had perished under the rival standards of Plantagenet. Politicians and courtiers grew into importance, and occupied the seats of the Bohuns and the Cliffords. The high officers of state were no longer selected from the great Norman families; but new men were appointed, and raised over the heads of peers, whose proud names were inscribed in the roll of Battel, and whose emblazonry had dazzled the infidel on the fields of Palestine. Some of these adventurers, the first of the statesmen of modern times, by their wisdom and virtue, justified their elevation. Others were the mere creatures of royal caprice, such as in days not long gone by, the insulted barons would have hurled from the steps of the throne and consigned to the hangman. Desperate attempts, indeed, were made by the barons, even at an advanced period of the reign of Elizabeth, to recover, by violence, their lost power;

Repression of the barons.

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but these were promptly suppressed, and the insurgents suffered the extreme penalties of their treason. Once, also, in the fire of youth, Henry the Eighth essayed to revive the splendour of the old military games; but the Field of the Cloth of Gold was a failure hardly less signal than that of the Eglinton Tournament. The age of chivalry was gone in 1520, as surely as in 1840.

Increased power of the Crown.

Between the suppression of the old feudal aristocracy and the rise of the middle class, there was an interval, during which monarchy attained a vigour little short of absolute power. Some writers, in their zeal for liberty, have ingeniously argued, that at no time were the English kings free from constitutional restraint. The native English spirit would, no doubt, always operate as a check upon the exercise of power; but after the suppression of the great feudal oligarchy, which had so long overawed the Crown, there was, for a time, no appreciable control over prerogative. Consequently, the government of the Tudors was far more arbitrary than that of any of their predecessors. It was the misfortune rather than the fault of the Stuarts, that they had to encounter the development of a new and portentous power in the state, which was itself to assume some of the most important functions of sovereignty, and to circumscribe monarchy within the narrowest limits.

Disagreements between the Commons and the Crown.

The struggle between the Crown and the Commons, more formidable than the strife which had occasionally raged between the Crown and the

nobles, revived, in a new and affecting form, the chivalry of former times. The enthusiastic spirit for which the service of religion and the sex could find no scope in a too enlightened age, burst forth in a passionate devotion to the Crown; and loyalty was the name for which the gallant gentlemen of the seventeenth century were content to lay down their fortunes and their lives. It is significant of the revolution which manners had by this time undergone, that the sentiment of respect and attachment to the sovereign, which, as far as it existed, had been, for the most part, confined to the middle and lower orders, was now transferred to the upper ranks of society, among whom it had been hitherto unknown.

Assumption of authority by the Church.

The Church of England, forgetful of her recent origin and of the very principle on which she was founded, assumed an air of patronage towards the state, and asserted the divine authority of the monarch. This doctrine, extracted from tortured texts of scripture, and from some theoretical canons of the Catholic church, was first inculcated as a practical duty, at a time when the people, having been taught to cast off spiritual thraldom, had learnt of themselves the value of political freedom, and were determined to place it on the secure foundation of the law. It seemed to be the mission of the Stuarts, by a policy uniformly perverse, to propagate and confirm those principles of civil liberty which they most abhorred. Charles the First precipitated a struggle which might have been

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Dissensions as to church government.

postponed for some generations. Charles the Second refused to profit by the re-action in favour of monarchy, which the too rapid success of democracy had produced, and exhibited loyalty as the worship of a selfish and profligate idol. James the Second, in the short space of four years, satisfied a disappointed and reluctant people, that loyalty was wholly incompatible with the civil and religious freedom which they were determined, above all things, to uphold; religion thus became the sport of politics. The Anglican church, the offspring of free enquiry, having, in an evil hour, linked herself in an unnatural union with human Despotism, degenerated, for the time, to a badge and emblem of one political party. The gentlemen of England, and their retainers, for the most part, rallied round the throne and the altar. The yeomanry, the trading-class, the townspeople adhered to the parliament, and demanded civil and religious liberty in their fullest latitude. The very phrase by which the popular party was designated, implied their adherence to the pure doctrine of Christ, as distinguished from the dignity and pretension of a ruling church. The Puritan affected to assimilate his life and conversation to the stern simplicity of his faith. The Cavalier, on the other hand, was observant of forms, but negligent of practice. Religious and political hatred, no doubt, exaggerated this contrast; but the traces of it were visible for many generations, and are not yet effaced from the manners of the people. The im-

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Difference between Royalists and Puritans.

mediate effect of this collision was most disastrous to the cause of true religion. Every man who took a part in the great conflict which divided the nation, was bound to profess the religious creed of the faction which he joined. No Dissenter could find a place among the ranks of the royalists; nor would any Churchman be tolerated on the side of the Puritans. A decent man was scandalised by the impudent license of the cavaliers; and a sensible man was disgusted by the cant and grimace of the people of God. The consequence was, that hypocrisy and bigotry were propagated among the middle and lower orders; while an almost utter dissolution of manners took place in the higher ranks. Moderate and thinking persons, revolted by these excesses, held aloof from either party, and began to question the truth of a religion, the doctrine and practice of which seemed so widely at variance with natural reason and morality. The spread of infidelity was a common topic with contemporary writers from the time of the Great Rebellion up to a comparatively recent period. After the Restoration, sceptical philosophy was taught as openly as it could have been in the schools of Athens or Rome; and this was during a censorship of the press, and at a time when any form of dissent from the Church of England was prohibited under the severest penalties. From this time to an advanced period of the reign of George the Third, Philosophy waged an incessant warfare against Faith. Statesmen and men of

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letters, indirectly, and by the still more dangerous arts of irony and insinuation, aimed at the same object. Those whom Hobbes, Tindal, or Hume failed to convince, were often persuaded or seduced by Shaftesbury, Bolingbroke, and Gibbon. While religion was thus assailed, morality was, for a time at least, openly insulted by a meretricious drama, and a literature the offspring of the stews. It would seem hardly possible, that society should have held together under a combined attack for nearly half a century upon the principles by which it is mainly upheld. And, indeed, at no period were religion and morals so depressed, as they were at the period of that famous event of 1688, which is often referred to as the noblest passage in our history.

Licentiousness of the drama.

Peculiar influence of the Reformation.

The Reformation is justly to be regarded as the era of civil as well as religious liberty. Nevertheless, as a political experiment, it was fraught with danger, inasmuch as it came into collision with two great principles of human nature, without which society could no more exist, than this orb in which we live without the laws of gravity and attraction. To believe and to obey are the guiding propensities of man; and the principle of the Reformation was to subvert authority, and to substitute reason as the arbiter of questions of the utmost moment to the temporal as well as the eternal welfare of the great human family. Such an experiment, under whatever circumstances it may be tried, is fraught with peril,

simply because faith and obedience are more solid and durable materials upon which to found the government of mankind than reason and free will.

Uselessness of striving after uniformity.

If we were to say that one man in a hundred was qualified to form a rational opinion on any capital question of religion or politics, we should propound an exaggerated estimate. The exigency of temporal government requires men to submit implicitly to certain definite laws. There is no such need for uniformity in spiritual matters; but sceptical statesmen and candid dissenters agree in supporting a dominant church, as well for the interests of religion as for the purposes of civil government. The abuses of Rome, accumulated during centuries of absolute and irresponsible dominion, had become intolerable to the awakened intelligence of Europe. But the liberation of the human mind from spiritual bondage was attended with immediate danger to the very existence of religion. Unguided reason, roaming wildly over the field of revelation, fell into a thousand errors and absurdities; and the universal tendency to believe, to rest upon doctrine, has fixed millions of the human race in creeds which have no other origin than the presumption of their founders. It is only because the effect of gross political errors and absurdities is an affair of practical experience, that municipal government has not been founded on equally irrational tenets.

The French Revolution.

Not to mention minor cases, which are numerous, the appeal from traditional authority and

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The French Revolution.

ancient law to reason and free will has been tried in two memorable instances. I mean, of course, the Reformation and the French Revolution. Philosophy having destroyed the foundations of religion and civil government in France, the first storm which arose laid the ancient fabric in ruins. A Monarchy which, for antiquity, power, and grandeur, had no equal, a Church which came down from the time of the apostles, were in a moment, as by a stroke of Providence, laid prostrate in the dust. If there is a passage in the history of the human race over which we would willingly drop a veil, it is surely the painful spectacle, at once terrible and ridiculous, of a great and generous people first rioting in anarchy, then vainly searching by the light of reason for religion and law; treated like a *corpus vile*, upon which empirics were to experiment with impunity; and at length, after undergoing a series of minor revolutions, bandied from democracy to military despotism, from military despotism back again to the old *regime*, from the old *regime* to a sort of mongrel monarchy, from this mongrel monarchy back again to democracy, from democracy again to military despotism, are apparently as far from settled rest and peace as they were at the beginning of their troubles. There is not, perhaps, in either hemisphere, a people newly admitted into the family of nations, or which may hereafter hope for that distinction—not a republic of South America, nor a colony of Australasia, which may not boast of a

government more stable than that of the illustrious race whose history stretches back until it is lost in antiquity, whose sovereign was styled the Great King, and bore the still prouder title of the Eldest Son of the Church.

The English Revolution.

Happily, the English Revolution took place under more favourable circumstances. The attack upon the church which embodied the ancient faith of Christendom, was not an attack upon religion under the pretext of reform, but sprang from a sincere and earnest desire to purify Christian doctrine from the corruption which had gathered around it. Reformation, and not destruction, was the aim of the courageous and conscientious men who denounced the iniquities of Rome; and the work of reformation was performed betimes, by practical measures, and under the direction of powerful and peremptory rulers, who were not disposed to deal too roughly with the venerable fabric. Great as were the organic changes effected, violent as was the shock to faith, no more was done than the magnitude of the undertaking required.

Rise of religious freedom.

England was not altogether unprepared for these portentous innovations. A century and a half had passed since Wicliff had originated the movement against Rome; and with little encouragement from authority, and in spite of — or we should rather say, perhaps, with the aid of — persecution, the doctrines of the first reformer had steadily made way among the people. The

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Influence of Wicliff.

Norman princes had none of them been high churchmen, and, with one base exception, had uniformly resisted the arrogance of the see of Rome. Henry the Second had vindicated the ancient laws and customs of the realm against spiritual encroachment by the famous Constitutions of Clarendon. His successors had frequently obtained the enactment of statutes with the same intent. They had gone farther, and from time to time had issued proclamations and orders censuring and restraining the irregularities and licentiousness of the clergy. The parliaments had readily concurred in these measures; and those of Henry the Fourth and his son, while Wicliff was writing and preaching, frequently addressed the crown to repress the insolence of the ecclesiastics, and even to confiscate to the purposes of the state the possessions of the church. The secular clergy were, to a great extent, imbued with the spirit of disaffection towards the ancient rule and doctrine of the church. The people, however, were not yet prepared to revolt against authority which they had been taught to revere, or to cast aside doctrines and ceremonies upon which they and their fathers had fixed their hopes of salvation. The despotism of the mighty Church had not been oppressive to the lower orders. Her powerful arm had seldom been raised to strike, but often to protect, the poor and lowly. Her spiritual offices were ever accompanied by substantial succour to those who were in need of both. From those venerable mansions,

reared and dedicated to the service of God, but now seized by the rude hand, and bestowed on the greedy sycophants of power, had for ages been dispensed a generous hospitality, to the poor as well as to the rich. The numerous tenants of the church, who seldom paid more than a tithe of the value of the land which they held, had reason to bewail the loss of their liberal and indulgent landlord. There were many of the gentry, also, especially among those of the minor degree, who cherished a grateful recollection that the honour of their families had in troubled times found a safe refuge from military license in those religious houses, which were now the homes of upstarts, or abandoned to decay; and there were some, even among the pious, the learned and polite, who lamented the precipitate downfall of a church which, throughout ages of darkness and ignorance, had mitigated the barbarity of manners, and kept alive the light of religion, of literature and of the arts.

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Monastic charities.

These considerations had weight with the great mass of the people; accordingly, the new doctrines, at first, found favour chiefly in the metropolis and some of the surrounding districts, where a strong resentment was expressed against the false and corrupt church which had so long abused the credulity of mankind; but in other parts of the country, especially in the northern counties, far removed from the influence of the capital and the court, a different sentiment prevailed. Men regarded with horror and astonishment the pre-

Religious bias of the northern counties.

Ch. 14. sumptuous impiety of their rulers. An insurrection took place in the north, but though this was suppressed, it was long before the reformed religion made way in the northern part of the island; and when at length it obtained a footing, independent dissent was preferred to the doctrine and discipline of the establishment. To this day, the great counties of York and Lancaster are at once the principal refuges of the old Catholic faith, and the central resort of nonconformity. This partial and gradual propagation of the new doctrine was far more favourable to its permanent success than a ready and fickle assent, while it mitigated the danger attendant upon the sudden subversion of principles upon which faith and obedience have been accustomed to rest.

Advantages of gradual reform.

Influence of laws on popular character.

No great change takes place in civil or religious institutions without producing an effect on the character of the people. There is, indeed, no more interesting and instructive study in history than the way in which laws and manners act and react upon each other. If it is ever safe to speculate on what might have happened in any predicament of human affairs, we may venture to affirm that England could never have become great, prosperous, and enlightened, had she remained under the influence of Rome. The extreme political freedom which we enjoy is hardly compatible with spiritual despotism. It would have been impossible for men to have canvassed freely every principle of their government, and every act of

their rulers, while they altogether relinquished the right of private judgment in matters of faith, and yielded a blind obedience to the ministers of religion. The divine right of temporal rulers became untenable after the ancient traditions of an infallible church had been rudely overthrown. Thus the act, which broke the bonds of Rome, at the same time emancipated the people from the thraldom of political superstition. Ignorance and fanaticism, liberated from the restraint of authority, ran off, as I have already observed, into wild and eccentric theories, which, for a time, brought religion into contempt, and imperilled the existence of civil society. But however offensive such excesses may be to a philosophical and fastidious mind, it may safely be affirmed that the energy and intelligence which have enlarged the boundaries of knowledge, which have extended commerce, and founded free government upon wise and enlightened laws, are entirely owing to the subversion of established authority by the Revolution of the sixteenth century.

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Papacy opposed to freedom.

A history of manners would hardly be intelligible without a copious reference to political events; and even for the sketch to which my present attempt is limited, I have found it necessary to glance back to times which may seem to have had little connection with the manners of the eighteenth century. But as the history of manners is essentially a history of progress, the attempt to portray the social character of a people

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Influence of former events.

at any particular period, without any reference to the past, might, indeed, prove interesting and entertaining, but could hardly be so satisfactory and instructive as a picture, however rude, which traced contemporary manners to their origin in earlier times.

Social progress.

Rapid as was the social progress of England generally during the hundred years which elapsed from the final downfall of the Papal dominion to the end of the Protectorate, the change which took place in the character and habits of the upper classes during that period was the most remarkable. The semi-barbarous nobility of the Middle Ages had almost perished in the barons' wars; the ecclesiastical order, which comprehended nearly all the lawyers and statesmen of the time, had been extinguished. Private warfare, the bane of civilisation, was finally suppressed. The feudal castles were dismantled, and the abbeys and monasteries passed into the hands of laymen, who introduced a new element into the rural society of England. The tenant by knight-service, when no longer required to unfurl his pennon, soon forgot his feudal obligations, and subsided into the country gentleman, such as he flourished up to a recent period, and such as he may still be found to exist. The great lords themselves, their pride no longer flattered by a numerous following, and deprived of military excitement, flocked to the metropolis, and commenced attendance at the court of their sovereign. The

cadets of noble and knightly houses, finding no field for military enterprise at home, adopted arms as a profession, and took service with the continental princes. Many of these adventurers attained high distinction, and became the founders of great families. The practice of taking service under foreign standards prevailed until the time when a standing army was established (though constitutional punctilio does not at this day recognise such an establishment) as one of the institutions of this country. Ch. 14.

Royal edicts against the increase of London.

During the reign of Elizabeth, the rapid increase in the number of visitors to, and settlers in, London, appears to have been viewed with apprehension, and the prudent queen endeavoured to check the tendency. Her successor, still more alarmed, issued proclamation after proclamation, full of vapid invective, after his fashion, against the attraction of the metropolis. He even caused his attorney-general to exhibit *ex officio* informations in the Star Chamber against persons who sojourned in London contrary to the royal edicts. Charles the First complained, that 'a greater number of nobility and gentry, and abler sort of people, with their families, had resorted to the cities of London and Westminster, residing there, contrary to the ancient usage of the English nation.' But all these orders, threats, and remonstrances were in vain; the tendency of manners is irresistible; and London continued to increase, notwithstanding the confident predictions of pestilence and famine

Ch. 14. from the congregation of so large a multitude within the precincts of the city. Evelyn, writing in 1684, says, that London had doubled in size within his recollection; and Sir William Petty, in 1687, calculated that the capital had increased sevenfold since the time of Elizabeth. The civil war and the interregnum for the time kept the magnates of the realm aloof from the capital; but the Restoration gave a sudden and irresistible impulse to the former tendency. Every nobleman and gentleman, eager to shew his loyalty, to celebrate his emancipation from an ignoble despotism, to display his abhorrence and contempt of the vulgar fanatics who had so long maintained their ascendancy, and to obtain a recognition of, if not a compensation for, the losses and sufferings which he had endured in the cause of royalty — swelled the tide of population which flowed into the metropolis. Charles the Second at first made a feeble attempt to discourage the attendance of suitors and courtiers who were not altogether welcome; but he soon desisted; and London became at once, and for ever, the centre of fashion, and of the arts which belong to civilized and polished life.

Beginning of civil and religious freedom.

The Act of Uniformity, which inaugurated the era of civil and religious freedom, and the restoration of monarchy, which, but for happy accidents, would have restored civil and religious despotism, were separated by an interval, the most momentous and eventful in the political history of

of this nation. The century which elapsed between the Restoration and the accession of George the Third was far less remarkable for the progress of manners than either the antecedent period, or the succeeding centenary, now almost completed.

State of manners at the Restoration.

The contempt for religion, morals, and even outward decency, which marked the manners of the Restoration, may be referred to an obvious cause. Democracy and religion had been associated together, and imposed upon the nation for twelve dreary years in a form and with a rigour calculated to render them alike odious and ridiculous. Thus, when the pressure was taken off, the reaction was sudden and extreme. Profaneness and profligacy had always been affected by the adherents of the royal cause; and were generally assumed as the badges of the Restoration. The personal character and authority of the King might have corrected a state of manners which were attributable partly to political causes, and partly to the habits contracted by exiles and outlaws. But the example of the Court encouraged a fashion, which made loyalty more abominable than the cant and hypocrisy which it superseded. The palace where the first Charles Stuart had lived and died like a Christian and a gentleman, became the haunt of strumpets and of gamesters, the sanctuary of wretches who, if law and justice had been allowed to take their course, would have rotted in the gaols or on the gibbets. No woman of virtue could approach a Court, where the shameless Castlemaine

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Depraved character of the court of Charles II.

reigned supreme, and was suffered to insult the patient and blameless successor of Henrietta Maria. No man of spirit could willingly associate with the insolent favourite who first debauched the wife, and then, with her assistance, murdered the husband;[d] still less with the audacious adventurer, who, having stolen the crown of England, and attempted, with every accompaniment of ignominy, the life of the most illustrious subject in the realm, not only received substantial marks of the royal favour, but was selected as one of the choicest companions of his majesty's lighter hours.[e] Society must have sunk low, indeed, when such outrages on decency as these could be safely practised. We shall in vain seek for a parallel to the Court of Charles the Second in the history of his predecessors. Edward the Fourth, selfish and luxurious as he was, appears to have been not wholly regardless of decency, even in times when public stews were licensed and registered. We do not read that Jane Shore was admitted into the palace of Elizabeth Woodville, nor that the princely Plantagenet ever associated with felons, or suffered the insolent presumption of minions and pimps. Even

[d] There is no tale of cruelty and profligacy more revolting than the well-authenticated case referred to above. The Duke of Buckingham, having seduced the Countess of Shrewsbury, picked a quarrel with the Earl, and assassinated him under the form of a duel, while the Countess, habited as a page, held his horse.

[e] Colonel Blood. The marvellous stories of his seizure of the crown, and of his attempt to hang the Duke of Ormond at Tyburn, are well known.

Henry the Eighth was careful to veil his lust and cruelty under the sanctions of religion and law. Among the successors of Charles, the first and second sovereigns of the House of Hanover equalled him in the grossness of their sensuality, but were far from displaying a like shameless indifference to public decency. It is not until we come down to a time within living memory, that we find the crown dishonoured by a prince as selfish and debauched, as false and ungrateful as Charles, without that easy good nature and good breeding, which went far to palliate the vices and the follies of the merry monarch. Ch. 14.

Open profligacy of the favourites of Charles II.

Monarchy having been fully re-established by the Restoration, the old cavalier party, their services and sufferings alike forgotten, soon dwindled and died away. The personal influence of Charles the Second ceased in course of time; but it was long before either morals or manners shewed any material improvement. The savage profligacy of men of fashion ceased to be openly exhibited. Knights of the shire were not in danger of being waylaid and maimed by courtiers for being too plain spoken with regard to the scandals of Whitehall. A nobleman of the time of the Hanover succession could not with impunity employ bullies to wait for and murder a poor player or posture-master who had unwittingly given him offence.[f] But under the successors of Charles,

[f] See the trials of Lord Mohun and Lord Semphill.

Ch. 14. the coarseness and depravity of manners were abundantly manifested. I need not dwell upon the examples furnished by particular reigns, since there is hardly any instance of grossness and profligacy since the Revolution which cannot be matched from the records of society, during the first half at least, of the reign of George the Third.

Spread of infidelity.

Infidelity and immorality, which broke out like a plague at the Restoration, expended their virulence during the reign of Charles, and subsided into a chronic indifference to religion, and a conventional disregard of moral restraint. The disease which had hitherto been confined, for the most part, to the higher orders, now spread among the inferior classes. Revelation was either rejected altogether, or adopted in some extravagant or fantastic form; and there was hardly a medium between stolid insensibility and frantic zeal among the half-educated and uneducated mass of the community. I have already endeavoured to show, that these were the results of breaking up the ancient foundations of faith, without providing an adequate substitute for the spiritual machinery which was destroyed. The subversion of an established doctrine, either of morals or politics, has always proved a dangerous experiment, even among a people advanced in the arts of civilized life; but the subversion of an established creed, which has from time immemorial held an ignorant people in subjection, is another word for spiritual anarchy.

Excepting, of course, the adherents of the ancient faith; no candid student of the history of this country will perhaps question that the fall of the Roman church has in the end promoted the interests of religion, as it undoubtedly has been conducive to the social progress of the nation; but the loss of AUTHORITY, which was buried in the ruins of Rome, is a loss which can never be repaired. Ch. 14.

Condition of the Church.

The office-bearers of the Anglican Church soon experienced the want of authority derived from usage and tradition. In an evil hour they sought to remedy the defect by claiming divine right for their temporal head. This tenet, which went to the root of civil liberty, was, therefore, roughly assailed; and not only the establishment, but religion itself, suffered injury in the conflict which ensued. The Church of England, for nearly two centuries after the Reformation, instead of attending to the spiritual nurture of the people, was engaged in polemical and political controversy. The doctrine taught from the pulpits of the establishment after the Great Rebellion was, for the most part, a dry and cold morality, which bore only a distant allusion to the beautiful and affecting record of the Atonement. The lives and characters of the clergy were ill fitted to compensate for the poverty of their creed. The spoliation of the Church by Henry the Eighth; the abolition of masses and other offices which yielded considerable emoluments to the secular as well as

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Inconsistent lives of the clergy.

the regular clergy, left the clerical profession without the means of decent support. We learn from writers during the reign of Elizabeth and her successor, that people no longer sent their children to schools and universities, knowing that they might gain a livelihood in any calling better than in the ministry. The consequence was that the lower ranks of the Church were recruited from an inferior class, who degraded the order to their own level, and brought religion into contempt. The curate of the seventeenth, and the first half at least of the eighteenth century, in point of education, was little above his flock; and, in social position, he was certainly below the yeomen and tradesmen of the parish. He was often obliged to eke out a subsistence for his ragged and half-starved family by the labour of his hands; and his children were brought up to earn their bread by servile labour. The vices and foibles incident to a position theoretically one of dignity and authority, but in which it was really difficult to maintain self-respect, were the constant theme of ridicule to the satirists of the age. The higher ranks of the clergy, though free from the degrading influences of abject poverty, seldom fulfilled the duties, or ever regarded much the outward decencies of their calling. The rector or vicar was often a pluralist, and, therefore, an absentee; or, if he lived upon his glebe, he was a kind of ecclesiastical squire, differing only from other country gentlemen in the discharge of the formal duties of

his office. He joined in carouses and field-sports; and his presence rarely imposed any restraint on the conversation or indulgence of the festive board. On Sunday the service was hurried over, terminating, perhaps, in a sermon affectedly learned and abstruse. The daily attendance on his parishioners, which is now considered by every conscientious clergyman the most important part of his duties, was wholly neglected by the incumbents who flourished in the early years of the Hanover succession; and, even down to a much later period, the jovial rector, if called upon to perform a duty on a week-day, might be seen hurrying over the office of matrimony or burial in a surplice carelessly thrown over a hunting-frock or other equipment for the field.

Queen Anne's Bounty and other Acts.

The statutes known by the name of Queen Anne's Bounty, and other acts of parliament relaxing the law of mortmain in favour of the parochial clergy, relieved, to some extent, the sordid poverty by which they were oppressed; but the institution of lay patronage, still more than pauperism, had the effect of bringing the clergy into contempt. A living[g] was considered merely as a provision for a younger member of the patron's

[g] The number of livings under £80 per annum was over 5,000. The revenues arising from first-fruits and tenths appropriated by Queen Anne's Bounty to the augmentation of poor livings, having been anticipated by various grants for lives and years, were not available until many years after this appropriation. Only 300 livings had benefitted by it in 1720.—CHAMBERLAYNE'S *Present State of Great Britain*, p.202.

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family; or, in the absence of such a claimant, was more likely to be conferred upon some disreputable dependant than upon a person of any merit or qualification for his sacred office. The family living still exists; but the incumbent of the present day is, on the average, as good a parish priest as the selected nominee of an ecclesiastical corporation; and the instances are rare indeed in which the most thoughtless or dissolute patron wilfully bestows church preferment upon an unworthy candidate. The contrary was the case in the times to which I am referring. The son, or brother, or nephew of the patron was, probably, a clown or a spendthrift; or, in the failure of his kinsmen, the son of a jobbing attorney or scrivener, the brother of a mistress, a boon companion, a low flatterer, or pimp, would probably be deemed a fit person for the cure of souls. The greater proportion of the livings were thus filled.

Abuses of patronage in the Church.

The more refined and educated class of clergymen, though their lives and characters were not, like some of those who have been named, positively disgraceful to the order, contributed little to its utility. If the parson had the manners of a gentleman, he had likewise the tastes and habits of polite society. Instead of passing his time in field-sports and drinking bouts, he was to be seen at fashionable assemblies, or sauntering at watering places, or in attendance at the levees of great men. The aim of a clergyman, who frequented

The educated clergy.

good society, was to obtain some preferment which would at once flatter his pride and enable him to live in luxury. With this object, he was not nice as to the services he rendered his patron. Sometimes he accompanied the young heir on the grand tour, nominally as a preceptor, really as a servile companion. If he had a ready pen, he would, perhaps, be engaged to write pamphlets or newspaper paragraphs in the interest of his employer. More frequently he was used as an agent for electioneering purposes; and, in that capacity was required to employ the local influence derived from his position as rector or curate; nor did he scorn to be the channel through which the vile wages of corruption were dispensed. Too often, indeed, he was charged with rendering his patron still more scandalous services. The high places in the Church—bishoprics, deaneries, and stalls—were filled chiefly from this class of clergymen; and it is easy, therefore, to believe that the imputations which were lavishly cast upon the *morals* and principles of the dignitaries of the establishment were not wholly false and calumnious.

General disrespect for religion.

These are some of the causes to which the inefficiency of the Church, and the decay of religion are to be attributed. From the Revolution to an advanced period of the reign of George the Third, every writer who refers to the subject bears testimony to the prevalent infidelity of the age. It was to little purpose that the champions of the Church defended revelation against the attacks of

Ch. 14. sceptical writers; for it was not so much a spirit of rationalism, as of indifference and contempt which pervaded society. Religious observances were openly derided; and no man who dreaded ridicule would venture, in polite company, to shew any respect for sacred things.[h] It was the evangelical doctrine which revived the fainting spirit of the ministry, and infused new vigour and vitality into all its members. Whether the constitution of the Church has been impaired by the vigour and vitality thus communicated to her is a question, the solution of which seems to be now in progress; but it is undeniable, I apprehend, that the interest of religion, the end and object of every ecclesiastical establishment, has been signally served by the remarkable movement which commenced about the middle of the eighteenth century.

Venality of statesmen.

The age of infidelity was also infamous for the relaxation of every moral tie which binds society together. Public virtue was almost extinct. The statesmen of the Restoration were as void of civil wisdom as of virtue. Their financial measures were open robbery and swindling; their domestic government was the spoliation of chartered rights; their foreign policy was venal subserviency to France. Of the men who took part in public affairs during the reign of Charles, Temple alone appears to have had any pretension to common

[h] Brown's *Estimate of the Manners and Principles of the Times*, published in 1758. Montesquieu.

honesty; and Temple, consequently, soon found that it was not for such as he to take part in the administration of the King's Government. Among the statesmen who framed the settlement of 1688, Somers was the only one in whose breast a regard for the public welfare predominated over fear and self-interest. He was one of those divine men who, 'like a chapel in a palace,' according to the sublime image in which he is described, 'remain unprofaned, while all the rest is tyranny, corruption, and folly.'[1]

Settlement of 1688.

The instability of the settlement of 1688, for a series of years suspended public spirit altogether; politicians were merely time-servers and waiters upon Providence; and, when the revolution at length terminated in the ascendancy of the democratic branch of the legislature, a new school of corruption was inaugurated. The Act of Settlement, the Bill of Rights, the annual Mutiny Act, the annual Appropriation Act, the Act for securing the Independence of the Judges, completely destroyed the whole fabric of arbitrary power. The taxing prerogative, the dispensing prerogative, which had so long been the great questions in dispute between the Crown and the people were now finally determined. The absolute dominion over the public revenue, the power of dismissing the ministers of justice, the royal franchise of erecting new courts of justice, all of which were, in

Power of the Commons.

[1] WALPOLE'S *Works*, vol. i, p. 430.

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theory, as they had proved by fatal experience, incompatible with any regular system of liberty, were wholly taken away. The new monarchy was the creature of parliament. The rights and privileges of the monarch were defined; and all the vague, undefinable, absolute power which had been exercised by former princes was vested in the three estates of the realm, the most important power of all, without which none of the other powers could work—the right of taxation—being claimed exclusively by the third estate. It was obvious, therefore, that if the Crown was to possess any substantial share of power under the new dispensation, it was to be acquired only by influence in the House of Commons. Nor was this a desperate chance. Circumscribed in authority, and impaired in prerogative, the King still retained one privilege intact, and this was the most valuable of all. He was still the fountain of honour, and still had the distribution of offices and rewards. All the considerable preferments, and a large proportion of the lower stations in the Church; all the lucrative and dignified offices of the magistracy; every political employment from the Lord High Treasurer to a tide-waiter were absolutely at his disposal.

Prerogatives of the Crown.

Parliamentary corruption introduced by Walpole.

This potent engine of patronage, increasing yearly in strength, was brought to bear upon the House of Commons, and soon promised to recover back to the Crown all and more than all that it had lost. The process, though a simple one, was not for

some time reduced to the regular system which it afterwards became. Sir Robert Walpole was the first minister who carried on the King's Government by means of parliamentary corruption. He troubled himself little about any niceties or intricacies of management, but went straight to the point. He bought the member with a place; or, if he only wanted a vote, he bought it with money taken from the Secret-service Fund. The Duke of Newcastle extended and organised the system so successfully, that by its operation alone, in the absence of every other qualification for power, he became, for some years, the dictator of the administration. His plan was to buy up the small constituencies; and, at one time he was said to have farmed, in this manner, one-third of the House of Commons. Government, by means of parliamentary corruption, took its rise soon after the Revolution, and began to decline after the American war. It saved the Protestant succession,[k] and it enabled George the Third, during the first fifteen years of his reign, to rule with more absolute power than any monarch since Elizabeth; but it brought the country to the verge of ruin.

Evil results of irreligion.

Without religion, without any sense of public duty, the people of this age were almost equally destitute of common morality. Among the higher classes, indeed, the public outrages on decency

[k] Sir Robert Walpole said that he was obliged to pay members for voting according to their consciences.

Ch. 14. which had been habitually perpetrated by the Buckinghams, the Rochesters, and the Sedleys, were no longer tolerated. The callous impudence of vice, which we find displayed in the comedy of the Restoration, hardly survived the Stuarts; and the glorious gallery of Whitehall exhibited for the last time harlots toying, French boys warbling love-songs, and gamesters crowding round the faro table, on that memorable Sabbath evening[1] when the merry monarch quitted for ever the vanities of a world, which he left more wicked than he found it.

Immorality of the people.

It is not to be inferred, however, because vice was less openly avowed, that manners had undergone any substantial amendment. The depravity was too widely spread, and had penetrated too deep, for a speedy cure. It could only be said, that it was a favourable symptom when some regard to outward decency began to be manifested. It was something gained, when the grossest of Wycherly's and Centlivre's comedies were withdrawn from the stage, and when Mrs. Behn's and Mrs. Heywood's novels were no longer generally read. Royal mistresses still occupied a high position at court; but lord high chancellors and generalissimos no longer thought such a position a desirable preferment for their sisters and daughters. The courtiers of George the First were not expected to accompany him to the levees[m] of the Duchess of

[1] Evelyn's *Memoirs*, vol. i. p. 685. [m] Ibid.

Kendal, nor were the manners of the Countess of Suffolk, like the manners of the Countess of Castlemaine, those of the most degraded of her unhappy class. It was true, that a maid of honour would sometimes make a slip; and with so little scandal, that the offspring was openly christened by the name of the heir apparent.[n] But I doubt whether even Frederick Prince of Wales, or his household, would have thought it a morning's amusement to dissect the still-born offspring of a lady of the court.[o] To this extent, the bad example set by the highest person in the social scale was mitigated, during the reigns of George the First and Second.

Effeminacy of men of fashion.

The man of fashion of this period was a compound of effeminacy and affectation. He painted and perfumed like a woman. His toilet occupied a great proportion of his time; his dress was of the most costly materials, and the most fantastic patterns. Silks and brocades, embroidery, gold-lace and jewellery, adorned his person, both in morning and evening costume. He seldom stirred abroad on foot, except to take a turn in the Mall; and if he had to cross the street only from his lodging to a tavern, he was conveyed in a

[n] Miss Vane, a maid of honour, was confined in the palace, and the infant was christened Fitz-Frederick Vane; but the paternity so implied, was disputed by Lord Harrington and by Lord Hervey himself.—HERVEY'S *Memoirs*.

[o] This was a freak of Charles the Second.—PEPYS'S *Memoirs*.

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chair. Gaming was his chief employment; gallantry occupied the hours which could be spared from dress and play. He had made the grand tour, and consequently knew the world. Of books he knew little or nothing. Men of education he called 'prigs' and 'pedants.' The only literature which he cultivated was plays, novels, lampoons, or tracts in ridicule of religion.

Two classes of men of fashion.

Such were the beaux and fribbles of the time of Anne and of the Hanover succession. The reader who would know more of the manners and conversation of this class, will find their affectation and ignorance, their profligacy, insolence, and inanity, sketched, without exaggeration, in the 'Foppington' of Cibber, the 'Fellamar' of Fielding, and the 'Whiffle' of Smollet. But there was then, as there always is, another variety of men of fashion, superior to the light, frivolous creatures that float on the surface of society. These were the men of wit, some of whom pursued ambition as well as pleasure; and some who turned their abilities to account in supplying the deficiencies of fortune. At the head of this class may be placed the great minister, Sir Robert Walpole himself. Since the establishment of representative government in this country, no minister has ever been assailed by such a formidable combination as that which, for a series of years, vainly endeavoured to drag down the great defender of the Revolution. Discarded Whigs;

orators of shining parts and of the highest promise, whose eager ambition was baffled by his arrogance of power; partisans of the banished family, whose sanguine expectations had been baulked by his vigilance and sagacity; men who could agree on no other point—were firmly united in the one object of destroying Walpole, as the common enemy. Every variety of invective which faction, jealousy, and personal hatred could suggest, was heaped upon his head; but the topics principally relied upon, and which could not be disputed, so far from being a reproach, are the very grounds on which his reputation as a wise and faithful minister must ever rest. That he was not scrupulous in the application of public money is undoubted; but the charge of personal peculation, by which the vindictive rage of his enemies sought his life as well as his honour, not only failed, but is discredited by the fact that he died largely in debt.[p] The really vulnerable parts of his character were never attacked. The evil example of his private life; his utter contempt of decorum; the proverbial grossness of his conversation, and the periodical debaucheries of Houghton, which were the talk of the whole county—all these passed uncensured. It would have been impossible, indeed, for such men as Bolingbroke,

[p] His debts were fifty thousand pounds.—Coxe's *Walpole*; H. Walpole's *Correspondence*.

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Yonge, Carteret, and Chesterfield, to have vindicated the cause of insulted morality; but there were among the foremost assailants of Walpole, some who might have ventured on such ground, without being hooted for their impudence and hypocrisy. Shippen and Barnard, Pulteney and Pitt, were men whose moral characters were fair; but though the delicacy and forbearance which in modern times mitigate the asperity of political conflict were then unknown, I am not aware that, during twenty years of party warfare unparalleled in virulence, any allusion was made to these scandals. The truth is, that the habits and manners of Walpole were congenial to the coarseness and depravity of the times.

Profligacy of ministers in the first years of George III.

Among a series of ministers, contemporaries and successors of Walpole, who either filled high offices, or played conspicuous parts in public life, there were few who, in these times, would not have been thought wholly disqualified for such positions. I will refer only to three men who were leading ministers during the early part of the reign of George the Third; but neither of whom would have been tolerated in any responsible posts under either of his successors. The Duke of Grafton, some time at the head of His Majesty's Government, was in the habit of appearing in public with his mistress, a common woman of the town. Lord Sandwich and Sir Francis Dashwood, the one successively Secretary of State and First

Lord of the Admiralty—the other, Chancellor of the Exchequer, were the most notoriously profligate men of their day. They were the founders of the Franciscan Club, an association of a few audacious men of fashion, for the purpose of celebrating a blasphemous burlesque upon the monastic system and the rites of the Church of Rome. They took a ruinous building in Buckinghamshire, called Medmenham Abbey, which, as its name implies, had once been a religious house. Here they fitted up cells, assumed the habit of the order of St. Francis, and with grave mockery performed the ceremonies and observances of the conventual service. I need not describe the quality of the nuns who were admitted to participation in these solemnities, nor of the choruses which were chanted, nor of the images which represented the Virgin and the saints. Nor was this the passing freak of a few thoughtless young men of wit and fashion. The Franciscan Club was for some time the wonder and scandal of the town. It assembled several times; and comprised, besides Sandwich and Dashwood, such men as Wilkes, Potter, and Selwyn, most of whom were men of mature age. Ch. 14.

Ministerial levees.

It was a custom of those days, for the principal ministers of state to hold daily levees, which were attended by people who had public business to transact, who had favours to ask, and who sought to keep themselves in the eye of the great man. Bishops and reverend aspirants of every class,

Ch. 14. members of both Houses who wanted their jobs done, men about town who wanted a place or a borough, mayors and corporations who had boroughs to sell, agents, pamphleteers, coffee-house politicians — ordinarily composed this motley assemblage. And as each principal minister usually stood upon his own credit, independently of, and sometimes in open opposition to, his colleagues, a First Lord of the Treasury, or a Secretary of State, could collect from the daily attendance at his receptions, a pretty accurate opinion as to the stability of his position. After any mark of court favour had been shewn him, or after a successful struggle in Parliament, his saloons were thronged. And it often happened that the first significant intimation a minister received of his declining power, was in the absence of some vigilant and far-sighted jobber or place-hunter, who had gone over to a rival. For many years, the levees of Sir Robert Walpole were always crowded; the attendance diminished after the failure of the Excise scheme, and the death of his firm and faithful patroness, Queen Caroline. But the Duke of Newcastle had the largest number of clients. The well-known mansion in Lincoln's-Inn-Fields was, during a succession of years, resorted to as the most extensive mart of patronage that had ever been opened in this country; and probably Newcastle gave, or rather bartered away, more places than any minister before or since. It was said, that almost the whole of the bench of

bishops had been filled by him; and every department of the public service was crowded with his creatures. Ch. 14.

When government by the Crown, independently of the great families, was adopted as the principle of the new reign, the first step taken towards the accomplishment of this object was the disgrace of the Duke of Newcastle. This was effected without much difficulty; and the man who for fifteen years had been the dictator of ministries, and whose jealous vigilance had hardly ever suffered any statesman but himself to approach the closet of the sovereign, was hurled from power by the first vigorous effort of a strong will. None of the great party leaders were thenceforth suffered to acquire any considerable portion of the power and patronage which Walpole and Newcastle and other ministers in a less degree, had possessed. The King himself, after the ten years' struggle with the Whig houses had terminated in his triumph, assumed the management of that great engine of corruption, the control of which had made a subject more powerful than his sovereign, and now enabled the King to be the real master of his people. After the new system had been adopted, the tribe of time-servers and sycophants ceased to frequent the levees of ministers. The levees of the sovereign, which had hitherto been attended only by the members of the court, were now thrown open; and persons who could hardly have hoped for more than a distant glimpse of regal state, Resumption of power by the crown.

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were admitted to kiss His Majesty's hand in the royal palace, surrounded by the nobles and dignitaries of the realm. This practice conduced much to the popularity of the King, and served to please many persons who either did not want, or could not have, bribes, places, or titles; while it taught the hungry tribe who sought, and might be eligible for more substantial gratifications, that they could only hope for success by conciliating the King's personal favour.

Prevalence of gambling.

But the vice which, above all others, infested English society during the greater part of the eighteenth century, was gaming. Men and women, the old and the young, beaux and statesmen, peers and apprentices, the learned and polite, as well as the ignorant and vulgar, were alike involved in the vortex of play. Horse-racing, cock-fighting, betting of every description, with the ordinary resources of cards and dice, were the chief employment of many, and were tampered with more or less by almost every person in the higher ranks of life. The proprietary clubs — White's, Brookes's, Boodle's — were originally instituted to evade the statute against public gaming-houses. But every fashionable assembly was a gaming-house. Large balls and routs had not yet come into vogue. A ball seldom consisted of more than ten or twelve couples; and the practice of collecting a crowd of fine people to do nothing, is an invention of recent date. When a lady received company, card-tables were provided

for all the guests; and even where there was dancing, cards formed the principal part of the entertainment. Games of skill were seldom played. Brag, crimp, basset, ombre, hazard, commerce, spodille — the very names of which are hardly known to the present generation — furnished the excitement of play, and enabled people of fashion to win and lose their money without mental effort. Whist was not much in vogue until a later period, and was far too abstruse and slow to suit the depraved taste which required unadulterated stimulants. The ordinary stakes at these mixed assemblies would, at the present day, be considered high, even at clubs where a rubber is still allowed. The consequences of such gaming were often still more lamentable than those which usually attend such practices. It would happen that a lady lost more than she could venture to confess to a husband or father. Her creditor was probably a fine gentleman, or she became indebted to some rich admirer for the means of discharging her liabilities. In either event, the result may be guessed. In the one case, the debt of honour was liquidated on the old principle of the law-merchant, according to which there was but one alternative to payment in purse. In the other, there was likewise but one mode in which the acknowledgment of obligation by a fine woman, would be acceptable to a man of the world. But it was at the proprietary houses above named, that the deepest play took place. For some time, White's

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was the principal resort of fashionable gamesters; but Brookes's (originally Almack's) was afterwards the most frequented. The lowest stake there was fifty pounds; and it was a common event for a gentleman to lose or win ten thousand pounds in an evening. Sometimes a whole fortune was lost at a single sitting.[q] Deep play is said to have reached a climax before the American war;[r] but I find no trace of its decline for many years after that event. On the contrary, before the French Revolution, there were not more than four or five public tables established in defiance of the law; but at a subsequent period, more than thirty gaming-houses were open every night; and the foreign games of *roulet* and *rouge et noir* began to supersede faro and hazard.[s]

Manners and education of women.

The manners of women were a favourite theme of satirical writers for the first half, at least, of the eighteenth century. The great writers of the age of Anne exhibit the prominent foibles of the sex in those days; but neither the exquisite raillery of Addison, nor the polished couplets of Pope, nor the stern censure of Swift, had the slightest effect in producing a reformation. Ladies have in all times resented or despised the discipline of satirists; nor am I aware of any instance in which wit has obtained a victory over fashion.

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[q] WALPOLE'S *Correspondence, passim.*

[r] CROKER'S *Boswell,* vol. iii. p. 387.

[s] COLQUHOUN'S *Police of the Metropolis,* p. 140.

Excepting in dress, which is the subject of ever-varying caprice, the ladies who flourished in the early part of the reign of George the Third, differed little from the ladies who adorned the side-box, or sauntered in Spring-garden, in the days of Anne. The same rage for play, the same appetite for scandal, the same levity of carriage, and the same licentious freedom of conversation, were still prevalent. The education of women, in the former period, was either wholly neglected, or perversely misapplied. The daughter of a country gentleman was taught the duties of a cook; sometimes, also, if her parents were ambitious that she should shine in after-life as an accomplished hostess, she received lessons from a carving-master.[t] The cardinal duty of hospitality, as she heard it inculcated at home, was for the lady to press the guests to eat to repletion; while it was the province of the master of the house to make them drink to excess. This, perhaps, was a fitting education for a young woman who was to become the helpmate of a rude landlord, who regarded a wife as an upper servant, and who thought the company of women an irksome restraint upon the freedom of social intercourse. To a woman of any education or refinement, an English manor-house, during at least the earlier years of the Hanoverian succession, must have been an intolerable home. The library of the

[t] Lady Mary Wortley's *Letters*, edited by Lord Wharncliffe.

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Mode of life in the country.

Hall probably consisted of a book of receipts, the 'Justice of the Peace,' a volume of drinking-songs, a book of sports, and a tract or two against Popery. The country book-clubs, and the London circulating libraries, which convey the newest works to the extremities of Cornwall and Cumberland, within twenty-four hours after they have been laid on the tables of the club-houses in Pall-Mall, had not yet been invented. The country-town, unless it was one of the first class, had probably not a bookseller's shop, and was dependent for its literary supplies upon the occasional visits of a hawker or travelling agent of a large firm, who opened his pack, or set up a stall on a fair or market-day. The state of the roads, during a great part of the year, was such as to render visiting impracticable. The aspect of the country itself was for the most part dreary and desolate. Agriculture had made comparatively little progress. Patches of cultivation appeared only at intervals between the swamps and wastes which formed the pervading character of the landscape. Five-and-twenty Inclosure Acts only had passed up to the accession of George the Second. During the thirty-three years of that monarch, statutes of this description, which are notable proofs of the progress of civilisation, had increased by one hundred and eighty-two. From 1760 to 1774, upwards of seven hundred Inclosure Acts were obtained. In the same period, the various Highway Acts were consolidated; and four hun-

dred and fifty-two Turnpike Acts were passed.[u] This course of legislation soon wrought a material change in the aspect, the social relations, the wealth and manners of the country. Revolutions which neither sumptuary laws nor Orders in Council can retard or promote, are thus brought about by laws which are not thought of sufficient importance to be recorded in the principal volumes of the statute-book.

Want of taste in country mansions.

The neatness and taste which now surround the humblest villa seldom adorned the residence of a country gentleman before 1760. Landscape-gardening was confined to the seats of the great proprietors; and even a common flower-garden was not a usual appendage to the house of a gentleman qualified to be knight of the shire. The house itself, though a substantial structure, was rarely kept in the state of repair and cleanliness which the modern sense of comfort and decency requires. The stables and kennels were close to the house, occupying the site which is now covered with conservatories and parterres. The rough fields through which this gloomy mansion was approached, presented a very different aspect to the highly-cultivated lands and neat enclosures which now surround a lawn, laid out in well-kept walks, and ornamented by shrubs and plants from every quarter of the globe.

It is not surprising that the more opulent of

[u] CHALMERS' *Estimate of the Strength of Great Britain.*

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Increase of visitors to London.

the country families were impatient of a life which presented as few attractions as the backwoods of America at the present day. Accordingly, notwithstanding proclamations and sumptuary edicts, the tide of emigration to London which set in soon after the accession of the Tudors, went on swelling with a rapidity which writers and statisticians regarded with wonder and alarm. I have already referred to Evelyn's estimate of the great increase of the metropolis in his time. Another writer, a few years later, describes the new town lately sprung up from Piccadilly to Tyburn Road (now Oxford Street), as covering an area larger than the cities of Bristol, Exeter, and York put together.[x] The increased resort to the capital caused a rapid improvement in the internal communications of the country; and, in the first year of George the Third, we find it complained, that, in consequence of the facilities afforded by turnpike-roads and stage coaches, London manners had contaminated the country, French cookery was superseding the rude hospitality of the squires, and every little town imitated the fashions of the metropolis.[y] This is an exaggerated picture; but there is no doubt that the manners of the rural gentry had, to a great extent, been civilised when George the Third began his reign. The ignorant, boisterous, drinking squire was to be

[x] *Tour through England*, 1748. Vol. ii. p. 107.

[y] *Annual Register*, 1761, p. 205.

found for many years after that era, and is not yet wholly extinct, but he had ceased to infest the country. The wife of a country gentleman was no longer content with the position of a housekeeper, and her daughters received an education very different from that of young ladies in the time of Queen Anne. They learned the ordinary accomplishments, and the rudiments, at least, of a more solid education, at a boarding-school; and a winter in London, or a season at Bath, sufficed to remove any rusticity or bashfulness which might have survived the discipline of the seminary. Ch. 14.

Establishment of clubs.

Up to the middle of the century, gaming continued to be the principal amusement of fashionable assemblies;[z] but, after the establishment of gaming clubs, play was conducted on too large a scale, and was too engrossing a pursuit to be followed in mixed society. Other diversions, in which both sexes could take part, were invented about this time. Numerous places of public amusement were opened in London and the suburbs. As the fashionable dinner-hour was at three or four, the evening commenced about seven o'clock. The theatre, a card-drum, a ball, and, occasionally, a masquerade, had for many years constituted the varied round of dissipation in the metropolis. But the increasing crowds which

[z] Lady Hervey, in 1748, writes:—'Tis really prodigious to see how deep the ladies play.'—*Memoirs*, p. 139.

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Places of fashionable amusement.

annually flocked to London required a sphere of society more extended than the narrow pale of fashion. Ranelagh, Vauxhall, Cornelys's, and the Pantheon were among the principal places of resort for persons of fashion, and those who desired to be so considered. These places were adapted to every taste, and offered dissipation for every day. The chief of them was Ranelagh, a large building at Chelsea, the attraction of which ceased only at the commencement of the present certury. A fine band was stationed in the orchestra; the large area of the building was appropriated to the company, who desired to walk about and mix with the promiscuous throng; and boxes opening into the garden were provided for the accommodation of those who preferred more select society. Here the gossip and scandal of the town were regularly retailed. The fashions were discussed; the pretensions of reigning toasts were canvassed; the jointures of widows and the fortunes of young ladies were keenly calculated by spendthrifts, gamblers, and gentlemen from the sister island.

To Ranelagh, visitors from the country and foreigners always repaired, to see the world of London and English society. Many persons, who did not venture into other public assemblies, found nothing objectionable in the Rotunda at Chelsea. Dignified clergy, statesmen, philosophers, authors, here mingled with fops, fine ladies, country gentlemen, city people, apprentices, kept-mistresses, highwaymen and thieves. But these assembly-

rooms, though open to the public, were, to a certain degree, kept select by the price of admission; and spacious well-arranged halls, where people could walk about without inconvenience or restraint, meet their friends, and see a variety of manners, while conversation was relieved by brilliant music, must have been far more agreeable than the modern fashion of crowded assemblies at private houses, or formal concerts at which no voices must be heard but those of the paid, or still worse, perhaps, of the unprofessional performers. But there were other assemblies a century ago, for which even the dreary dissipation of 1857 is a happy exchange. We have abandoned, I hope for ever, the manifold profligacy of Vauxhall, Cornelys's, and the Pantheon. The gardens on the Surrey side of the river were frequented by persons of fashion up to a recent period; but no person now living has witnessed the debaucheries which were of nightly occurrence at Vauxhall from the time of Queen Anne to an advanced period of the reign of George the Third. The boxes were scenes of drunkenness and riot. The dark vistas and secluded alleys were infamous for still more heinous vice and crime. A lady, who, by a chance which frequently occurred, lost for a few minutes the protection of her party, was in imminent danger of insult or even outrage. Young women of every condition were, in every place of public resort, unless vigilantly watched, exposed to impertinence from persons who, by

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social position, were entitled to be called gentlemen. In nine cases out of ten, indeed, such advances would not be met with resentment; and when it happened that a gallant was so unfortunate as to encounter a lady to whom his insolent addresses were unacceptable, it was not without the greatest difficulty that she could escape from her incredulous persecutor. The lessee of Vauxhall made an attempt, in 1764, to retrench the debauchery which made it scandalous, if not unsafe, for any decent woman to enter the gardens. He closed the secluded walks, and lit up the recesses; but the young gentlemen of fashion, resenting this invasion of their license, immediately tore down the barriers, and put out the new lights.

Fashionable assemblies.

But besides these ordinary places of amusement, there were assemblies appropriated to the pleasures of people of quality. Of these, the principal were Almack's, Cornelys's and the Coterie. At the first, high play was the principal attraction. Mrs. Cornelys kept a house in Soho Square of a very exclusive character, but of questionable reputation. Masquerades and operas were the ostensible amusements; assignations were the real business of this establishment. Mrs. Cornelys was prosecuted, in 1771, under the Licensing Act, and she was convicted as a rogue and vagabond for having had an opera performed before people of the first fashion, who paid a guinea each for their tickets. This uncouth interference

of the law was highly resented by the patrons of these amusements, and had the effect for a time of rendering her house still more attractive. But the open license of manners reached, perhaps, its utmost limit at the institution of the Coterie. This was a mixed club of ladies and gentlemen; the ladies balloting for the gentlemen, and the gentlemen balloting for the ladies. It was composed exclusively of people of the highest fashion, and the numbers, therefore, were limited.[a] Such a breach of delicacy and decorum was almost too flagrant for the coarse taste of that day. The Coterie became the subject of satire in every form; and the lampoons, both in prose and verse, to which it gave rise, were of so gross a character, that is is difficult to understand how a woman, who retained any self-respect, could continue, or be suffered by those who had control over her to continue, a member of such an association. This period may, perhaps, with some degree of accuracy, be fixed as that at which the depravity of manners reached the extreme point. For the preceding thirty or forty years, the relaxation of moral and religious restraint had been on the increase. Unless we are to discredit the concurrent testimony of the pulpit, the press, the stage, the records of courts of justice, private letters and tradition, which has hardly ceased to be recent, it is

[a] There is a list of the members in the *Gentleman's Magazine* for 1770, p. 415.

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manifest that the depravity of manners in this country, from the accession of the House of Hanover to the end, at least, of the first ten years of George the Third, was not excelled in the decline of the Roman empire, or in the decay of the old French monarchy. The marriage tie was treated with levity by people of the highest rank and fashion; and many wives, as well as husbands, lived in almost open disregard of their marriage vows.[b] Incontinence was by no means rare among unmarried ladies of good family, and appears not to have materially prejudiced their matrimonial prospects.[c] The facilities afforded by the numerous public places of resort tended mainly to encourage licentious intercourse, and for that reason were denounced by almost every writer and speaker who inveighed against the profligacy of the times. The Bishop of London, in his charge to the clergy, in 1750,[d] denounced the places of diversion as mere places of assignation; and in a debate upon a Divorce Bill, in the House of Commons, twenty years later, the reformation of manners was pronounced to be hopeless so long as Almacks, Cornelys's, the

[b] There were, in 1757, no less than seventeen divorce bills before Parliament. In 1857, when this species of legislation was put an end to by the new law of divorce, there were only four private acts.

[c] See, among many other proofs, Lady M. Wortley's *Letters*, vol. iii., p. 142. Lord Wharncliffe's edition.

[d] *Gentleman's Magazine*, 1750.

Coterie, and other places of rendezvous of a similar character were suffered to exist.[e]

Uncertain state of the law as to marriage.

But though the opportunities afforded by places of public amusement were, no doubt, conducive to laxity of manners, there were causes of immorality independent of occasional incentives. First, there was the general revolt against Divine law, and the authority of an overruling Providence. Among secondary causes must be reckoned the state of the common law of the land as it affected marriage. Before the Act of 1753, known as Lord Hardwicke's Act, every compact into which a man might be called upon to enter by the exigencies of the social system, was strictly defined and limited by legal tradition or by positive law. The Statute of Uses, the Statute of Wills, the Statute of Limitations, the Statute of Frauds, among many other enactments, had settled the rights and liabilities of persons in every transaction of life. But no provision was made for the most important engagement of all. Until the Act of 1753, it was doubtful what constituted a marriage. The common law and the canon law were at variance on the subject; and a marriage might be good in one court and for one purpose, and bad in another court

[e] 17 *Parl. Hist.*, 186. Miss Berry, in her work on the *Social Life of England and France*, refers to the evidence on the trial of the celebrated action of crim. con., by the Duke of Norfolk against Sir John Germaine, in the reign of William the Third, as shewing the difficulty, in those days, of finding a place of assignation.

Ch. 14. and for another purpose, accordingly as it agreed with the one code or with the other. A marriage, however, celebrated between two persons, whether infants or of full age, in a church or in a private room, by a person in Protestant or Roman orders, if the principals assented to the ceremony, and whether it was followed by cohabitation or not, was, in general, held to be valid. The consequence was, that for a series of years, a flourishing traffic in marriages was carried on in London and in other great towns by the most infamous of mankind. Youths were decoyed into brothels and married to prostitutes; not unfrequently, gentlemen from the country, of mature age, were entrapped by adventuresses under the guise of ladies of fashion. Young girls, who had fortunes, constantly became the prey of gamblers, swindlers, and led captains, who haunted the public rooms and gardens, in common with, or in preference to, the highway. Marriages of this description among the middle classes and the lower orders, were usually celebrated at the Fleet, and in the neighbourhood. But there was no want of parsons ready to perform the office at a moment's notice, at the Court end of the town. One of these fellows, named Keith,[f] derived such large emoluments

[f] Keith was in orders, and kept an assistant, who was also a clergyman. Three thousand couples were married in one year at his chapel in May Fair. His advertisements appeared in the newspapers almost daily; and, through the year 1750, the following disgusting notice was prefixed to them, for the purpose,

from his practice in May Fair, that it was said they equalled the revenue of a bishopric. Ch. 14.

Cause of clandestine marriages.

The practice which prevailed with regard to regular and recognized marriage had a tendency to urge young persons to these clandestine unions, or even worse. The tastes and feelings of the principals were seldom consulted in matrimonial engagements, which were usually concluded by parents on behalf of their children. These contracts were, like ordinary contracts, based entirely on calculations of worldly advantage to the parties concerned. Estates were consolidated, fields were laid together, incumbrances were paid off by means of marriage settlements. It was upon women that this matrimonial commerce proved most oppressive. The heir in tail cared little for the commands or persuasion of a father who was only tenant for life, and consequently followed his own inclinations. But a girl, though she may have an independent provision, cannot so easily resist parental authority; and throughout the last century, as a general rule, the power of a father, in the disposal of a daughter, was absolute; and it was commonly exercised in the same arbitrary manner by the

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suppose, of attracting attention. 'We are informed that Mrs. Keith's corpse was removed from her husband's house, in May Fair, the middle of October last, to an apothecary's in South Audley Street, where she lies in a room hung with mourning, and is to continue there until Mr. Keith can attend her funeral.' *Public Advertiser*, 1750, passim.

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fondest, as well as the most selfish, or indifferent head of a family.[g] According to the universal domestic law, the selection of a husband for an unmarried daughter was entirely the province of her natural guardian; and it would have been considered highly indelicate as well as undutiful, if the young lady expressed a wish to have a voice in the matter. Marriages so contracted, if there was no great disparity of age or condition, were, for the most part, in the ordinary acceptation, productive of happiness. A young woman, with the education and manners of a chambermaid, was not likely to be disgusted with the illiterate and ill-bred heir of a country gentleman. His oaths, his foul conversation, his low associates, were probably no more than she had been accustomed to in the home of her birth; and if her husband did not abuse her when he was in ill-humour, or when he came home drunk from the ale-house, the poor woman was content with her lot. It was among the more civilized classes that the evil effects of treating matrimony merely as a matter of bargain, were more apparent. If a romp was paired off with a beau, or a town-bred miss with a rural gentleman,

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[g] Fielding is, as usual, correct in his delineation of manners, when he represents Western untouched by the smallest compunction at forcing the child he fondly loves into the arms of a man she abhors. But there were many fathers, of more education and refinement than Western, who would have regarded the fine argument of Allworth, in the third chapter of the seventeenth book, as mere rodomontade.

it was a rare chance, indeed, if either happiness or respectability resulted from such an incongruous union. When a man of fashion went into the city for a wife, the commercial character of the transaction was still more flagrant, and the contrast still more irreconcileable. But it was, perhaps, among the higher classes, that this rigid system of close marriages was most oppressive. A young woman of high rank was inevitably destined for some man of birth and fortune. Surrounded, probably, by the most agreeable and accomplished persons of the other sex, the high-born girl had learned that matrimony was not instituted for the gratification of the tastes and emotions which such society was calculated to inspire. These unnatural restraints upon regular marriages, combined with the facilities afforded to clandestine unions before the Act of 1753, were, undoubtedly, to be reckoned among the most active incentives to the immorality of the age; and when to these are added license of manners, voluptuous and exciting amusements, together with the opportunities they afforded, it is easy to believe how low the standard of morality had fallen.

Religion and morality of the middle classes.

Whatever ground there may be for the claim to superior religion and morality, preferred on behalf of the middle classes at the present day, no such pretensions could be urged with any plausibility a hundred years ago. There can be no question, that, besides observing the precepts of religion and good morals common to all, there is a public duty

Ch. 14. incumbent on those who are placed in a more conspicuous position in life, to shew an outward respect for those laws of God and man, which are the bonds of Christian and civilized society. That duty, the obligation of which is in these days enforced by the discipline of public opinion, was shamefully neglected in a former age; and so far as an evil example operated, the higher orders were responsible for the depravity which pervaded all ranks. When the highest persons in the realm, from the King and his Court downwards, lived in open adultery; when religion and its ministers were treated with neglect and ridicule; when drinking, gaming, and brutal sports, were the principal occupations of gentlemen; when great ladies patronized places of amusement which the law declared loose and disorderly;[h] when they sanctioned by their presence dramatic performances, the argument of which was generally incontinence or the breach of the marriage vow; and took part in such vocal entertainments[i] as are now performed at the lowest

[h] A bill of indictment, preferred against Mrs. Cornelys, before the Grand Jury of Middlesex, in 1771, charged her with "keeping and maintaining a common disorderly house, and suffering divers loose, idle, and disorderly persons, as well men as women, to be and remain during the whole night, rioting and otherwise misbehaving themselves." MRS. CORNELYS'S *Entertainments*.

[i] When the amusements of the evening ended in a supper, as they generally did, the company sang catches and glees. I have seen a collection of these songs in four handsome volumes, which formerly adorned the library of a nobleman's country house. The books had long since been banished to a lumber room, where

haunts of debauched apprentices and street-walkers, the evil effect of this example could not fail to operate through the whole order of society.

Distinction between the urban and rural classes.

The middle classes properly include the wide range of society, from the untitled gentry and the liberal professions, to mechanics and day labourers; and it is in this order, elevated above the sordid ignorance of the lowest ranks and unsophisticated by the artificial manner of the aristocracy, that the humours of the English character have been, and are still, most strikingly displayed. There has always been a marked distinction, however, between the urban and the rural character. The Tory farmer who comes into the country town on market-day, is a very different person from the Dissenting shopkeeper, who carries on his business there, though they may both have been members of the same family. The one is still full of stupid and obsolete prejudices; he thinks that good sense consists in despising every thing that is new; and even in his own business, and when his immediate interests are concerned, distrusts the evidence of his senses, when it points to an improvement involving a departure from traditional practice. The tradesman, on the other hand, is a ready disputant, a reader of newspapers and controversial publications, a member of mechanics' institutes and improvement societies, a reformer and a friend of Progress.

I found them. A copy may, perhaps, be obtained in Holywell Street; but no decent tradesman would venture to sell them.

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Manners of the farmers.

The ordinary tenant farmer of the last century, differed little from his ploughman and carter, who lived in his house and were domesticated with his family. It rarely happened that he could read or write; and a scanty capital sufficed for the rude cultivation of the few fields which he held at an easy rent. This primitive husbandman has long since merged into the labouring peasantry. Another description of cultivator, long the pride and boast of old England, the yeoman or small proprietor, has likewise almost disappeared. Some of the most respectable country gentlemen derive their origin from this class; but the greater number of the small freeholds have been gradually absorbed in the great estates. A few remains are still to be found in some of the remote counties. In Cumberland and the North Riding of Yorkshire, the independent yeoman yet lives on his paternal acres, and maintains, with just pride, the ancient and worthy order to which he belongs.

Slow progress of the agricultural classes.

Though it cannot be denied that civilization has, to a certain extent, penetrated the market-room, it is certain that the natural phlegm and obtuseness of the English character are more visible in the agricultural, than in any other class. The farmer of 1857 is not so far removed from the farmer of 1757, as the shopkeeper of the one period differs from the shopkeeper of the other. A tradesman who fails to keep pace with every improvement in the articles in which he deals, or even to watch the changes of fashion, soon finds

himself in the gazette; but a farmer may go on ploughing with four horses, while his neighbour ploughs with two, and may be content to raise four crops while his neighbour gathers five, and yet obtain a livelihood. His life is passed in a monotonous round, and his ideas are seldom varied by contact with strangers, or persons engaged in pursuits different from his own. The pipe and the ale in which he indulges after the labours of the day, are much the same as they were aforetime. The taxes, the tithe, the poor-rate, still trouble him. Strange political rumours sometimes perplex him; but unless Popery or the price of corn are concerned, he troubles himself little about public affairs, and is content to follow his landlord, in voting for the maintenance of "our venerable institutions and the correction of proved abuses," as his father before him voted for Church and King.

Prevalence of intemperate habits.

But the rude and ignorant yeomanry were on the whole a better class than the gross and sordid inhabitants of towns. Drunkenness was the common vice of the middle and the lower orders. In domestic habits, indeed, little or no distinction was observed between the two classes. The master tradesman lived with his servants in the kitchen; and it was only on Sundays or holidays, that the parlour was occupied. After the business of the day was over, the public-house was resorted to, and the guests seldom returned home in a state of sobriety. No loss of character was incurred

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by habitual xcess; and it would have been considered a very strange and frivolous objection to a citizen who aspired to the dignity of Alderman or Mayor, that he was an habitual drunkard.[k] This confusion of ranks, together with the neglect of domestic discipline, resulted frequently in the contamination of the female members of the family. The occurrence of such an accident as the misconduct of a wife or a daughter, gave very little concern to the head of the family. The good-natured husband condoned the offence; or the father was content to take a small sum, if he could not avail himself of the opportunity to obtain a husband for his daughter. If he was selfish or brutal, he was, perhaps, not sorry to have an excuse for getting rid of a burden, and turned the offender into the street. In the transaction of his business, a country dealer was commonly a cheat; and in the exercise of his political franchise, he was rarely even a pretender to purity. Before the American war, it would be difficult to name one member for an open borough who did not obtain his seat by a large expenditure for corrupt purposes. The lower class of voters insisted on the public-houses being thrown open; and for fourteen days the town was a scene of rioting and drunkenness, often ending in bloodshed. But the decent elector, less easily disposed of, always received the

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[k] Boswell's *Johnson*. *Report of House of Commons' Committee on Education*, 1835; Place's Evidence.

price of his vote in money, or money's worth. The only approach to public spirit in an election was, when a corporate body applied the proceeds of a corrupt bargain to some local object.[1]

Luxury of the London middle class.

The middle-classes in London, vied with their superiors in luxury and profligacy of every description. The more ambitious citizens, with their wives and daughters, clad in the costly fashion of the day, enjoyed the pleasure of jostling lords and ladies at Ranelagh and Vauxhall. But the town and its suburbs abounded in gardens, and places of entertainment, where shopkeepers and apprentices could dissipate their time, and emulate the vices of their betters. The consequence of these establishments was an enormous increase of crimes against property. The streets of the metropolis were infested with robbers and thieves; persons were constantly attacked; even carriages were stopped in the public thoroughfares after dark; and no unprotected person could go a mile out of town in the day-time, without danger of being waylaid. Frauds and forgeries also abounded; and the confidence in clerks and servants, without which trade cannot be carried on, was seriously impaired. At length the interposition of the Legislature was demanded; and at the immediate instance, and under the superintendence of Fielding, the celebrated Licensing

[1] I have already related an instance in which the Mayor and Aldermen paid off a corporate debt, with the money for which they sold the representation of Oxford.—Vol. i. p. 337.

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Act was passed, in 1752. It is entitled, 'An Act for Better Preventing Thefts and Robberies, and for Regulating Places of Public Entertainment, and Punishing Persons keeping Disorderly Houses.' The principal provisions rendered a license from the magistrates necessary for public singing and dancing-rooms and gardens within the metropolitan district, and prohibited morning amusements at any place so licensed. This statute, however, like every other law framed for the reformation of manners, was for some time almost a dead letter. Of the few prosecutions that were attempted, the greater number failed for want of proof. The only important prosecution which proved effectual, was that of Mrs. Cornelys, in 1771; but her fickle patrons were already leaving Carlisle House, for the more splendid temple of pleasure, newly erected in Oxford Street. Means of evading the Act were, as usual, easily found. Soon after it was passed, Foote opened his theatre at the Haymarket, without a license, and by the mere form of inviting the public to tea, collected crowded and fashionable audiences, to witness performances which were specially contemplated by this Act, and expressly prohibited by the Playhouse Act, passed a few years previously. Bad manners have never yet been reformed by sumptuary laws; and the provisions of this statute, which though not strictly a sumptuary law, is one of a homogeneous character, proved wholly ineffectual to repress the particular evil against which they were

aimed. They are only operative, at the present time, to render absolutely illegal morning concerts in London and its suburbs; while similar rational and humanizing entertainments may be performed with impunity at Manchester, Liverpool, and every other great or small town in the United Kingdom.

Evasions of the Law.

When we descend to the lower orders of society, we find vice exhibited in all its hideous grossness. Scarcely any effort had yet been made, either by public or private means, to redeem the common people from the abject ignorance in which they were sunk. Education, indeed, so far from being promoted, was very generally regarded by the higher ranks as a thing with which the middle classes had little concern, and, which was positively noxious to the lower orders. Hardly any tradesman, in 1760, had more instruction than qualified him to add up a bill; and long after that date, if he opened any book besides his ledger, he did so by stealth; for if it was known that he was addicted to reading, he would probably be injured in his business.[m] A labourer, mechanic, or domestic servant, who could read or write, possessed a rare accomplishment, and one which would not at all help him to earn his bread. Drunkenness was the prevalent habit of the common people; but it would be unfair to brand them distinctively with this reproach, when people of

Tradespeople illiterate.

[m] See Mr. Place's evidence before the House of Commons, in 1835. *Committee on Education.*

Ch. 14. every class drank to excess. This was the age of four-bottle and six-bottle men; when it was considered the height of hospitality and good-fellowship to compel the guests to drink, until they arrived at a state of delirium or insensibility. We still deplore the prevalence of a vice which fills our jails, hospitals, and lunatic-asylums; but the drunkenness of these days is temperance, as compared with the drunkenness of the last century. In a population which is computed at not more than one-third of the population ascertained by the late census, the consumption of exciseable liquors was about equal to what it is at present.

Licentiousness of the people.

The insolence, licentiousness, and ferocity of the people, especially in the capital and other great towns, were such as a traveller would hardly now encounter in the most remote and savage regions of the globe. No well-dressed individual, of either sex, could walk the streets of London, without risk of personal insult or injury. It was, indeed, an undertaking of difficulty to pass through the streets at all. The narrow foot-way, separated from the carriage-road only by a line of unconnected stakes, or posts, at wide intervals, was frequently blocked up with chairs, wheelbarrows, and other obstructions, some of them placed there wantonly, to annoy foot-passengers.[n] Carmen and hackney coach-drivers considered it excellent sport to splash decent people from head

[n] *Covent Garden Journal*, June 20, 1752.

Nuisances in the Streets.

to foot; and when a terrified female or bewildered stranger was tumbled into the kennel, the accident was hailed with shouts of delight. Yet, on the whole, it was as safe and less disagreeable to traverse the streets on foot than in a conveyance. Chairs and carriages were upset, and collisions were constantly occurring; the least inconvenience was, that the progress of vehicles through the great thoroughfares was interrupted by the absence, or rather disregard, of regulations for the traffic. But the delay was not the only annoyance. When a stoppage took place, or an accident happened, the ears were stunned by a storm of oaths, and abusive altercation from the drivers and servants. Thieves were always ready to take advantage of the confusion, which they had themselves probably originated for their own purposes. Beggars, also, availed themselves of the opportunity to ply their trade. The dismal tale of sickness and famine was drawled out, and corroborated by horrible exhibitions. Stumps of limbs and diseased children were held up to the carriage windows of the quality. If there were ladies in the family-coach, a street vocalist would probably begin chanting some filthy doggrel, of which the refrain would be taken up by the bystanders.

Establishment of a system of Police.

This state of things continued up to 1761, in which year a memorable step was taken towards the establishment of a system of police by the Westminster Paving, Lighting, and Watching Act. Through the operation of this excellent statute,

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the greater part of the metropolis underwent an immediate change. Thoroughfares were widened; communications were opened; crazy houses were pulled down; all the main streets were paved with even blocks of granite; smooth and solid footways, elevated above the carriage road, were, for the first time, laid down. The huge shop-signs extending from the houses on either side of the way, and excluding light and air, were removed; as were also the projecting water-spouts which deluged the unprotected[o] passengers. By these improvements, not only were the safety and comfort of the puplic greatly promoted, but the health of the metropolis rose to a far higher standard. Street robberies in the daytime, at least, were much diminished, but the continued absence of any police patrol, still left London in a dangerous and disgraceful state.

Scandalous exhibitions in the public thoroughfares.

Besides the annoyances which I have named, the streets exhibited another gross violation of decency such as no other capital in Europe at that time displayed. The unhappy females who minister to the vices of great cities, but who are sequestered from public view by every well-ordered system of police, openly professed their calling in the public thoroughfares of this metropolis. They paraded the streets in large bodies soliciting the passers by, and often behaving with shocking

[o] The chairmen and hackney-coachmen, who exercised despotic power in the streets, would not permit the use of umbrellas.

indecency. In the evening, they ranged themselves on the footways, in parties of five or six, assailed every well-dressed man who approached, aiding their allies, the thieves, in committing depredations, and decoying victims for plunder. So indifferent was the law to this scandalous outrage on decency and morality, that a register of prostitutes, giving not only their addresses, but descriptions of their personal appearance, was annually published, like any other directory, with the printer's name, and hawked about the streets.[p] The public places of amusement were infested by these women, whose conduct, at the theatres especially, is described as so gross and impudent, as to be almost beyond belief, if we did not recollect that the stage itself exhibited manners scarcely, if at all, less licentious and obscene.

Frequency of mobs.

Tumultuous mobs assembled on the slightest pretence, and committed outrages on persons and property, with or without the slightest provocation. Foreigners, or persons having the appearance of foreigners, were wantonly insulted, and sometimes assaulted in the streets and public walks, as *giaours* were in the streets of Constantinople at the same period. But the rabble of London, though to this day the most brutal and odious rabble in Europe, were never sanguinary. People, indeed, were often seriously injured by the

[p] It was called '*The New Atalantis*, published and sold by M. Harris. Under the Piazza of Covent Garden.' *Grosely's Tour to London*, 1762, vol. i. p. 55.

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rough treatment which they experienced in crowds, or from wanton outrage; but blood was seldom shed. Assassination, so common in the continental cities, was rare in London. The English rabble, indeed, are chiefly remarkable for mischief and cowardice. They destroy property, but they rarely attempt life. A file of soldiers will, at any time, disperse the most formidable crowd; and a few resolute individuals, armed with cudgels, can generally beat them off.

Turbulence of the People.

But riot and disorder were not confined to the lowest order of the populace. From the time of the Mohocks in Queen Anne's reign, to the end of the century, young men of fashion, inflamed with wine, would occasionally sally into the streets, beat the watch, insult everybody they met; and when the excitement was over, reel home with impunity. The city apprentices were a notoriously turbulent class. At one period, they went out in gangs every night, swept the streets from Temple Bar to Fleet Market, and beat any person who ventured to resist them.[q] When such was the conduct of the upper and middle classes, it would have been difficult to restrain the licence of the lower orders. The excessive rigour, and savage penalties of the criminal law, were eminently calculated to brutalise the manners of the people. Every gaol delivery at the Old Bailey, furnished

[q] Place's evidence before the Commons' Committee on Education, 1835.

the populace at London with excitement of the most odious and demoralising character. Convicts were drawn through the streets to the place of execution in the Western suburb. But the ignominious procession, so far from being an appalling example, was more frequently a stimulant to the depraved imagination of the spectators. If the convict was a notorious highwayman, or otherwise distinguished in crime, his tumbril, drawn by four horses, decked with garlands and ribbons, shewed like a triumphal car; while surrounded by an admiring and applauding crowd, the hero of the day, in full dress, and with a nosegay in his hand, was conveyed to the gallows. The procession usually halted at a public-house in St. Giles's,[r] where the Tyburn party, including the chaplain, took a farewell dram. These grand exhibitions were varied by the minor diversions of the pillory, and whipping at the cart's tail. The secondary offences, from crimes too abominable to name, down to libels and other breaches of the law, which are now only technically criminal, were constantly punished by the pillory; and individuals, without reference to the quality or degree of their guilt, frequently lost their lives from the indiscriminating ill-usage which they experienced at the hands of the populace. The disgusting practice of tying wretches, of both sexes, to a cart and dragging them through the streets,

[r] This practice was prohibited about 1760, but the prohibition was only occasionally enforced.

Ch. 14. shrieking under the lash of the executioner, has been discontinued only within living memory. There were some offences of which the people themselves took cognizance, or with regard to which they seemed to exercise, at least, a concurrent jursdiction with the magistrates and courts of law. Pick-pockets taken in the fact, were usually dragged to the nearest pond or pump, and subjected to the discipline of cold water as long as they shewed signs of life. Young thieves, now the objects of the tenderest solicitude of the law, were usually well thrashed and sent about their business. The excessive rigour of the penal code defeated the object of punishment; juries were willing to prevaricate with their oaths rather than subject minor offenders to the terrible vengeance of the law; the judge even, assuming the character of counsel for the prisoner, would not suffer him to plead guilty, and *in favorem vitæ* was ingenious to give effect to any quibble by which a just sentence might be evaded. Thus the improved chance of impunity gave a stimulus to crime; and the law in failing to adjust the scale of punishment, and to discriminate between degrees of guilt, had the effect of multiplying heinous offences.

Before this work is brought to a close, I shall review the progress of manners and of laws during the long reign of George the Third. I shall shew the beneficial effects of extended knowledge, of respect for religion, of humane and liberal legis-

lation. England will appear a very different nation in 1819 to what she was in 1760, and the historian of later times will shew that the improvement in the arts of civilized life and of good government, has been far more rapid in the course of the last forty years, than during the period of which I have undertaken to give account.

CHAPTER XV.

ASCENDANCY OF THE COURT — DISUNION OF THE WHIGS — DESERTION FROM THE WHIG PARTY — ATTEMPT TO STOP PARLIAMENTARY REPORTING — CONTUMACY OF THE PRINTERS — CONTEST WITH THE CITY MAGISTRATES — THEIR IMPRISONMENT IN THE TOWER — POPULAR DISLIKE OF PARLIAMENTARY PRIVILEGE — WANING POPULARITY OF WILKES — CHARACTER OF THE CONSTITUENCIES — THE WHIG PARTY BROKEN UP.

Ch. 15. — 1771 Whig opposition dissolved.

AFTER an arduous struggle of ten years, the King had at length prevailed over the Whig parties. When Parliament assembled at the commencement of 1771, the Opposition which had been concerted with so much pains, and assumed so formidable an appearance only a year before, was almost dissolved. The Bedford party had lost its chief, and its principal members were attached to the administration. The Grenville connection was dispersed. Lord Temple, after the death of his brother, retired from public life. Lord Suffolk, next to Temple in importance, took office in the Government. The Rockingham party hardly kept up the semblance of co-operation with Chatham and his friends; and instead of seeking to remove grounds of difference, the va-

rious sections of opposition, untaught by the experience of the last ten years, were still engaged in cultivating jealousies among themselves, and in detaching partizans not from the Court but from each other.[a]

Defection of Wedderburn.

Men of ambition and ability can hardly be blamed for deserting the fortunes of an Opposition so hopeless as this. Wedderburn, one of the most rising men at the bar, as well as in the House of Commons, had been hitherto opposed to the Court; but he now saw plainly that his choice lay between advancement on the one side, and on the other, adherence to an Opposition which could never be a Government. Wedderburn, therefore, accepted the office of Solicitor-General. His defection, however, was remarkable. He had distinguished himself eminently on the popular side on the great question of electoral rights. He had been obliged, in consequence of the part he took in that controversy, to resign his seat in Parliament, which he owed to a patron who took the opposite part. At a great dinner of the Opposition, at the Thatched House, in May, 1769, he had received the honors of martyrdom. Among the one-and-twenty toasts given on that occasion, none was received with greater

[a] For example, the Duke of Richmond, writing to Lord Rockingham, December, 1770, reports that Camden is dissatisfied with Chatham; and thinks that 'with a little management *we* shall have him.' *Rock. Cor.* ii. 197. The private correspondence of the period, abounds with proofs of these miserable intrigues.

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applause than 'The Steward of the Chiltern Hundreds — Mr. Wedderburn.' Lord George Cavendish, on the part of the Whigs, proposed this toast. Beckford presented him with the freedom of the city in a gold box. Several seats in Parliament were offered him, and when Parliament met, he was returned for Bishop's Castle, by Lord Clive, the Indian hero. Almost up to the day of his taking office, he was in close correspondence with the Opposition leaders. Wedderburn's predecessor in office, a greater lawyer and an abler man, took a more dignified course. There can be no doubt that Dunning might have had the Great Seal, as the reward of his desertion to the Court. But he preferred the honourable obscurity of the outer bar[b] to a scandalous elevation. Thurlow became Attorney-General; and the Great Seal, which had been kept in commission since the death of Yorke, was bestowed upon Bathurst, a puisne judge of the Common Pleas, a man of no political note and hardly of any professional distinction. Lord Sandwich, the last of the Bedford party, was promoted to the head of the Board of Admiralty. Lord Halifax resumed the office of Secretary of State, which he had held in Bute's administration.

[b] Dunning had not the permanent rank of a king's counsel; therefore, when he resigned the office of Solicitor-general, he had to leave his place within the bar, and resume the stuff gown of a junior barrister. Lord Mansfield, however, gave him the pre-audience of that class.

The Opposition beheld these arrangements by which the ministry was so much strengthened, with impotent anger and dismay. But the Whigs, if they could not come into power themselves, were content that the Court should triumph, rather than that the popular party should obtain an advantage.

Session of 1771. Attempt to exclude parliamentary reporters.

The session of 1771 commenced with a new quarrel between the House of Commons and the country. The standing order for the exclusion of strangers, which had long existed (and which still exists), was seldom enforced, except when it was thought desirable that a question should be debated with closed doors. It was now attempted by means of this order, to prevent the publication of the debates and proceedings of the House. It had long been the practice of the newspapers, and some other periodical journals, to publish the debates of Parliament, under various thin disguises, and with more or less fulness and accuracy, from speeches furnished at length by the speakers themselves, to loose and meagre notes of more or less authenticity. One of the most attractive features of the Gentleman's Magazine, a monthly publication of respectability, which has survived to the present day, was an article which purported to be a report of the debates in Parliament. This report was, for nearly three years, prepared by Dr. Johnson, who never attended the galleries himself, and derived his information from persons who could seldom give him more than the

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names of the speakers, and the side which each of them took in the debate. The speeches were, therefore, the composition of Johnson himself; and some of the most admired oratory of the period was avowedly the product of his genius.[c] Attempts were made from time to time, both within and without the walls of Parliament, to abolish, or at least to modify, the standing order for the exclusion of strangers, by means of which the license of reporting had been restricted; for there was no order of either House specifically prohibiting the publication of its debates. But such proposals had always been resisted by the leaders of parties, who thought that the privilege was one which might be evaded, but could not safely be formally relinquished. The practice of reporting, therefore, was tolerated on the understanding, that a decent disguise should be observed; and that no publication of the proceedings of parliament should take place during the session. There can be little doubt, however, that the public journals would have gone on, with the tacit connivance of the parliamentary chiefs, until they had practically established a right of reporting regularly the proceedings of both Houses, had not the presumptuous folly of inferior members provoked a conflict with the press upon this ground of privilege, and in the result, driven Parliament reluctantly to yield

[c] Boswell's *Life*, vol. i. The great moralist, in after years, expressed his contrition for this fraud upon the public.

what they would otherwise have quietly conceded. Ch. 15.

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It was Colonel Onslow, member for Guildford, who rudely agitated a question which wiser men had been content to leave unvexed; and by his rash meddling, precipitated the very result which he thought he could prevent. He complained that the proceedings of the House had been inaccurately reported; and that the newspapers had even presumed to reflect on the public conduct of honourable members. He began by moving, that two sessional orders of 1728 and 1738, which prohibited the publication of the debates, should be read by the clerk. This passed without observation; and the newspapers having expressed their intention to persevere, some of them with many terms of contempt and abuse in regard to Onslow, Sir James Turner, another foolish member, moved the standing order for the exclusion of strangers. This also passed as a motion of course; not, however, without some remonstrance, and an observation that such a proceeding was quite unusual, except when matters connected with the right of election were about to be debated. A division, however, took place in a subsequent motion, that two of the printers, Wheble and Thompson, should be ordered to attend at the bar. Col. Onslow's motion against reporters.

The House of Commons were very unwilling to be dragged into this controversy. They had already incurred sufficient odium by their attempt

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to exalt privilege above the law; and they felt that this was no time for reviving a pretension, the very name of which was enough to exasperate the nation. No man of credit, therefore, supported these rash proceedings. Every man of sense felt that the time was come when the particular privilege which it was thus sought to revive and enforce in all its rigour, should be allowed to fall into neglect and decay.

Contumacy of the printers Wheble and Thompson.

As the printers paid no attention to the order of the House, the Serjeant-at-Arms was directed to take them into custody. But that officer in vain attempted to effect their capture. When he applied at their houses, they were denied to him, and his enquiries were treated with derision. On this result being reported to the House, an address to the Crown was carried, on the motion of Onslow, to issue a proclamation, offering rewards for the apprehension of the offenders. The proclamation itself was made the subject of mockery. Wheble and Thompson were collusively arrested, and taken before the city magistrates, by two of their friends, or servants, who accordingly claimed the rewards. Wheble, no doubt, also by previous concert, was taken before Alderman Wilkes, who immediately liberated him, and bound over the person by whom he had been apprehended, to answer a charge for an assault and false imprisonment. Wilkes, with a view to another state prosecution, immediately wrote to the Secretary of State, who then happened to be once more his old

antagonist Halifax, to acquaint him with what he had done. Thompson was taken before Alderman Oliver, who was content with discharging the prisoner. Ch. 15. — 1771.

When it became apparent that the order of the House, the Serjeant-at-Arms, and the royal proclamation, would be alike set at nought by the printers and their allies in the city, Onslow and his friends resolved upon extending the warfare to the whole newspaper press. On the 12th of March, three days before Wheble and Thompson were taken before the city magistrates, Onslow, in a speech of coarse and misplaced jocularity, announced his intention of having 'three brace more' of the printers summoned to the bar; and accordingly moved, that six persons connected with the principal newspapers in London, should be ordered to attend. This gave rise to one of the most angry debates on record. Lord North was so ill advised, as to make the matter a government question, keeping his voters in the House all night; notwithstanding that the king had enjoined him not to make the affair of the printers a serious business. His Majesty, indeed, had wished to transfer the matter to the other House, as their lordships could 'fine as well as imprison' the 'miscreants;' and were just then better able than the Commons to bear the odium of such a salutary measure.[e] Debate on Onslow's Motion.

[e] Letter to Lord North, February 21, 1771.

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Scurrility of the Newspapers.

There was some ground for the proceedings against Wheble and Thompson. The journals of which those persons were the printers, had not only published the debates, but misrepresented them. It certainly was not desirable that the proceedings of Parliament should be reported in this form:—'Utopia: Some account of the proceedings upon the Nullum Tempus Bill. Jeremiah Weymouth, Esquire, the d——n of this country,'[f] and so forth. And, perhaps, the mover had some right to complain of being called 'a little scoundrel,' and 'little cocking Onslow.' Such scurrility as this is harmless, unless the person to whom it is applied is so indiscreet, or so wanting in self-respect, as to notice it. However, as it is undoubtedly a breach of privilege to defame a member of Parliament, as well as to report his speeches, whether correctly or otherwise, Onslow was, in strictness entitled to have the printers of the 'Middlesex Journal' and of the 'Gazetteer' brought to the bar. But the case was different with regard to the other printers against whom he moved. No complaint was made of those men as having libelled any member in their newspapers. The only ground, therefore, upon which they could be condemned was, that they had infringed the order of the House by publishing the debates. But, as the House could have, or at least could avow, no other object than that of vindicating their

[f] Jeremiah Dyson sat for Weymouth.

privileges, their assent to a motion of such a compendious character, brought forward also with such indecent levity and haste, could be ascribed only to vindictiveness, or hostility to the freedom of the press. The proclamation, offering rewards for the apprehension of Wheble and Thompson, had issued only three days previously; and it was reasonable to expect, therefore, that they would be brought in; but even if they escaped, that was no ground for visiting their contumacy upon all the newspapers in London.

Obstinacy of the Opposition.

The Opposition disputed every step of the proceedings against the printers. On the first day, they divided the house no less than twenty-three times, and the debate lasted till four in the morning. The following day the battle was renewed with undiminished pertinacity. It was justly argued, that the best way to prevent misrepresentation was to permit the free publication of their proceedings; some members even went so far as to state the broad principle, that the constituency were entitled to be informed as to the proceedings of their representatives. It was shewn, too, that scurrility and falsehood were not confined to one party. Barré, in his strong language, spoke of 'a villain, a dirty scoundrel,' who wrote in the service of the Government, under the signature of Panurge and Cinna. One member, to throw ridicule over the whole proceeding, divided the House upon an amendment, that the printer should attend, 'together with all his compositors,

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pressmen, correctors, blackers, and devils.' The excitement of the debates was heightened by frequent and bitter personalities. One of the Onslows, who seconded his cousin, the member for Guildford, boasted of the part which he had taken as peculiarly becoming the descendant of three Speakers. So palpable a mark for ridicule was immediately hit. 'I have not the advantage,' said Burke, 'of a parliamentary genealogy. I was not born, like the honourable gentleman, with 'Order' running through my veins. But as that gentleman boasts of his father,[8] his son will never boast of him. The parliamentary line is cut off.' Burke then turned round upon Conway, who had spoken against the printers, though with his usual moderation; and, urged by former animosity, assailed him with the fiercest invective. Barré also, who excelled in strong sarcasm bordering on abuse, dealt his blows with more than usual vigour on this occasion. The Speaker interposed several times to stem the torrent of invective, but in a style very different from that to which the parliaments of Victoria have been accustomed. 'I am heartily tired,' said he, 'of this business, and should be glad to put an end to it.' Again he endeavours to stop the quarrel between Conway and Burke, by exclaiming, when it was at the height of its fury, 'For God's sake let us go on with the debate.'

[8] He was the son of the great Speaker, Onslow.

It was not until five o'clock in the morning that the printers were called in. Four out of the six were in attendance, and were discharged, after receiving reprimands from the Speaker, on their knees. The fifth was already in Newgate, by order of the House of Lords. One only stood out —Miller, the printer of the 'London Evening Post.' The Sergeant-at-Arms was ordered to take Miller into custody.

Contest between the Commons and the City.

The real struggle now commenced. It was said in the City, 'If the House of Commons have a Serjeant-at-Arms, we have a Serjeant-at-Mace. If the House of Commons can send our citizens to Newgate, we can send their messenger to the Compter.' The City was, therefore, prepared for resistance. The very day after the House of Commons had reprimanded the four printers who had obeyed their summons, Wheble and Thompson were discharged from custody, by Wilkes and Oliver, as I have already described. Miller made no attempt to evade the officer of the House; he only refused to yield himself prisoner; and when the officer laid hand upon him, the officer was himself given in charge to a city constable, who was ready for the occasion. The messenger immediately sent to inform the Serjeant-at-Arms of what had taken place; and the Deputy-Serjeant accordingly attended at the examination at the Mansion House the same evening. The proceedings were very short. The Lord Mayor, who was supported by Aldermen Wilkes and Oliver, asked the mes-

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senger of the House whether he was a constable within the City of London; or whether his warrant was backed by any city magistrate? These questions being answered in the negative, the Lord Mayor decided that the arrest of Miller was illegal.

At this point, the Deputy Serjeant-at-Arms announced himself, and formally demanded that his messenger should be released, and that Miller should be rendered to his custody. The Serjeant was informed, that the arrest of a citizen within the City of London, and without the authority of one of its magistrates, was a violation of their charters; and that an arrest by a person who was not a constable, was a violation of the law of the land. Upon either of these grounds the Lord Mayor pronounced Miller entitled to his discharge. Miller's charge of assault against Whittam, the messenger, was then taken; and an order having been made for Whittam's committal to the Compter, the Serjeant, thinking he had gone far enough, tendered bail, and his man was set at liberty.

Meeting at Lord North's.

At this stage of the affair, Lord North called a meeting, at his house, of a few members of the House of Commons friendly to the government, for the purpose of considering what should be done. The minister himself inclined to moderate counsels; and such was the general temper of the meetings. Even the Onslows were willing to drop all further proceedings.[h] But at a second

[h] WALPOLE. From George Onslow himself.—*History*, vol. iv.

meeting the next day, Sir Gilbert Elliott, now known as the principal organ of the Court, strongly urged firmness and penal measures against the city magistrates. At the same time, the King wrote to Lord North that the authority of the House of Commons would be annihilated unless the Lord Mayor and Oliver[1] were committed. And he desired Lord North to send Jenkinson to Lord Mansfield, for the purpose of obtaining his advice as to the best means of making the commitment with effect.

On the following day, therefore, the Speaker acquainted the House with the treatment their messenger had received at the hands of the city magistrates; and the Deputy Serjeant-at-Arms having made his report of the proceedings in detail, it was moved that the Lord Mayor and Alderman Oliver, being members of the House, should attend in their places on a given day.

But as the House were about to engage in a conflict with no less an antagonist than the City of London, the business was no longer left in the hands of the Onslows. The question was therefore undertaken by Welbore Ellis, a privy councillor, and a member of the government. The debate which ensued was remarkable for the absence of that heat and violence which had distinguished the

[1] His Majesty makes no mention of the *third* committing magistrate. He had had enough of Wilkes. NORTH MSS. *King to Lord North, 17th March*, 1771.

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former discussions relative to the printers. But the ground was now changed. The question no longer regarded the expediency of punishing newspapers for supplying a demand, as to the urgency of which all reasonable men were agreed. The House of Commons were to decide whether they should permit the privilege of commitment for contempt, which they had always exercised, to be directly challenged. This was a question paramount to party considerations; for it concerned the dignity and authority of parliament itself. Both Whigs and Tories, therefore, were of one mind upon the subject. Lord Chatham and his friends were just as decided in reprobating the contumacy of the citizens, as Lord Rockingham and his party, who had no such intimate relations with the popular leaders. Lord North said, that in his experience of parliament he had never heard a debate conducted with such moderation.

The Lord Mayor summoned to attend the House.

The next day the Lord Mayor was to attend; and handbills having been circulated in the city, announcing that he would leave the Mansion-house at two o'clock, a large concourse of people attended his carriage. The approach of the chief magistrate was signalled by loud huzzas, which lasted for several minutes after he had been set down at the House of Commons. Soon after the Lord Mayor had taken his place the Speaker called upon him. He rose and vindicated his conduct with temperance and propriety. He said he was sworn to act in conformity with the city

charters; and, believing that they contained clear directions as to his duty in the case of Miller, he had only acted in obedience to his oath. That was the sum of his defence as regarded himself personally; but he desired, on behalf of the city, that counsel should be heard at the bar, to shew that the chief magistrate was justified, by the charters, in dealing as he had done with the officer of the House. The Speaker interposing, observed that counsel could not be heard on a matter of privilege; to which Dunning replied, that if it could be made out that the charters of the city were confirmed by act of parliament, as stated by the Lord Mayor, privilege could not be set up against positive law. The debate, then, appears to have proceeded without any more regard to the opinion expressed by the Chair, than if it had been that of an ordinary member. Crosby, having obtained leave to retire on the ground of illness, was accompanied by Oliver, also a member of the House, but against whom no proceeding had as yet been taken. When they were gone young Charles Fox started up and moved that they should proceed against the other two 'criminals' as he called them, the accessories, Oliver and Wilkes. He went on in a very violent strain, until he applied to the absent aldermen the term 'assassins'—upon which Barré rose to order, and observed, that 'he was an assassin who stabbed a man behind his back.' Fox, stung by the sarcasm, retorted in passion, 'that he had heard of a

Ch. 15. 1771. gentleman calling a very eminent man 'a profligate minister' behind his back as well as to his face.' This was in allusion to Barré's celebrated attack on Pitt just after he entered Parliament in 1762. The rejoinder was overwhelming. 'If the honorable gentleman had enquired *at home* he would have found my conduct on that occasion spoken of with approbation.' It was generally believed that Lord Holland had instigated Barré to do that which he dared not do himself. Oliver, a man of courage and spirit, on hearing what had been said of him, returned to the House, and compelled the insolent young Tory to retract his language. Charles Fox, notwithstanding this rebuke, gave utterance to his impatience at the 'lenient' policy which the House seemed inclined to pursue. He expressed great contempt for 'the people.' Who were the people? One year the freeholders of Middlesex are the people of England; next year the City of London are the people of England; and this year if the Lord Mayor and a couple of aldermen are the people of England, we are certainly engaged in a controversy with the people of England. 'The opinion of *this House* must be taken to be the opinion of the people until the contrary is proved.' At this time Fox had shown but little promise of the great reputation which he afterwards acquired. He is sometimes, indeed, mentioned as a prodigy even at this early period. But any youth of twenty-one who could have the consummate impudence to

speak every day, and upon almost every question, would probably impress many of his hearers with an opinion of his ability. We are assured, however, by a competent judge, that it was only by slow degrees Fox rose to become the most brilliant and accomplished debater the House had ever seen.[k]

Mr. Luttrell and Mr. Burke.

Another fitting champion of parliamentary privilege was Luttrell, the mock member for Middlesex, who called Burke to order for having presumed, in the course of his speech, to censure the conduct of the House of Commons in superseding the electors of Middlesex. He could not sit and hear his seat called in question. 'The honourable gentleman,' said Burke, 'has reason to honour himself. He is a much greater man than I am. He was elected in a much more honourable way *by greater constituents*.' Some members, in the course of the debate, had been content to prove that the arbitrary proceedings of the House were sanctioned by precedent. Burke, to shew the folly of an implicit reliance on precedent, quoted a well-known but extreme case of one of the loyal and Protestant parliaments of James the First. One Floyd, a Papist, had, it seemed, written something disrespectful of the King's daughter, the Queen of Bohemia. The House of Commons had no hesitation in voting that this

[k] Lord Brougham's *Statesmen of the Time of George the Third.*

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libel was a breach of their privileges. The only question was what punishment they should inflict. One member wished to have the delinquent whipped; another thought he should be bored in the tongue; a third was for having his tongue cut out. Branding in the forehead was also suggested; and there was one gentleman who urged that the criminal should be hanged outright. In the result, the poor man was condemned to stand in pillory and to pay a fine of a thousand pounds. This sentence he received at the bar upon his knees.[k]

Lord North's proposal.

After a long discussion in which the moderation which had prevailed on the preceding day was entirely departed from, Lord North proposed a middle course; and on his motion the House resolved that 'the Lord Mayor be at liberty to be heard by his counsel upon all such points as do not contravene the privilege of the House.' Lord North's resolution was in its terms an absurdity, inasmuch as the whole case of the magistrates unavoidably resolved itself into a denial of the privilege of the House. The Lord Mayor did not contravene the privilege of the House generally, nor even the power of commitment for a breach of privilege; what he maintained was, that in the particular instance, the privilege of Parliament was in conflict with the privilege of the city, and that the latter privilege was a part of the statute law. It became neces-

[k] *Cavendish Debates.*

sary, therefore, that he should establish three points — 1. That the privilege as claimed by the city was conferred by their charters; 2. That these charters were confirmed by Act of Parliament; 3. That the privilege of one branch of the Legislature could not contravene the law of the land. But, subjected to the restriction imposed by the House, it is manifest the argument could not have taken so wide a range. If the third proposition was interdicted, it was to no purpose that the first and second were conceded. The Lord Mayor was well advised in declining to rest the case for the city upon an argument for which he was not allowed to lay an adequate foundation.

Arbitrary spirit of the House.

Having by this disingenuous proceeding denied the claim of the subject to be heard by counsel in defence of his liberty, the House by the next step they took in this business, sufficiently disclosed the arbitrary spirit by which they were influenced. The clerk to the Lord Mayor having been ordered to attend with his books containing the proceedings of the court, they compelled that officer under duress, to expunge at the table from the record which he produced, the recognizance of Whittam, their messenger, to appear at the next quarter sessions to answer the charge of assault which had been preferred before the city magistrates. This was followed by a resolution, 'That no prosecution, suit or proceeding, be commenced or carried on, for or on account of the said pretended assault

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or false imprisonment.' Many members of the Opposition, shocked and disgusted, quitted the House, that they might not witness an audacious interruption of the course of justice, and the violation of its records, which they were unable to prevent.

Proceedings of the Lord Mayor.

The Lord Mayor having then declined to avail himself of counsel who was denied freedom of speech, merely put in the documentary evidence upon which the pretensions of the city were founded, and awaited the decision of the House. After a protracted and angry debate, they resolved, that the release of a person taken into custody by virtue of a speaker's warrant; the apprehension of their messenger, and the holding him to bail, were severally breaches of privilege. These resolutions were opposed on the ground that the refusal to hear the city magistrates by their counsel was a denial of justice; and on the first of the resolutions being carried by a large majority, Sir George Savile, Mr. Burke, and Colonel Barré again retired from the House, followed as before by about thirty members.

Committal of the Lord Mayor to the Tower.

Having gone this length, the House could hardly stop short of the last extremity. If an humble individual would certainly have been visited with condign punishment for these manifold breaches of privilege, the House could hardly shrink from taking a similar course because the delinquent was a great and powerful magistrate. They resolved, therefore, that the Lord Mayor

and Alderman Oliver, who were members of the House, and attending in their places pursuant to order, should be committed to the Tower. An attempt, indeed, was made to deprecate the public indignation by adopting the milder proposition of committing the magistrates to the custody of the Serjeant-at-arms; but the determined spirit of those gentlemen defeated the subterfuge. Oliver, in the temporary absence of the Lord Mayor on account of sickness, being first called upon for his defence, avowed and gloried in his guilt; adding expressions of such bitter scorn and defiance, as left the House no excuse for mitigating his sentence. With regard to Crosby, it was moved, that in consideration of his ill state of health, he should be committed to the Serjeant; but the Lord Mayor also spurned the proffered indulgence, and insisted on sharing the imprisonment of his brother-magistrate.

Violence of the mob.

These proceedings, though they did not give rise to the same degree of popular excitement as the Middlesex elections, were attended with much commotion. The Lord Mayor was accompanied every day to and from Westminster by a vast concourse of people. The advocates of privilege were insulted on their way to the House; and Lord North, with the two sons of Lord Holland, Stephen and Charles Fox, were torn from their carriages, rolled in the kennel; and if it had not been for the timely interference of two members of the Opposition, North would on one occasion have

Ch. 15. been in peril of his life. When the Lord Mayor arrived at Temple Bar, on his way to the Tower, escorted by the Serjeant-at-arms, the people shut the gates, and would not suffer the Serjeant to enter the city, until their chief magistrate assured them that he came by invitation as his guest.

Popular dislike of parliamentary privilege.

Privilege of parliament had always been regarded with disfavour by the people; nor could they ever be brought to understand the refinement by which this arbitrary, anomalous power was represented, either as part and parcel of the law of the land, or as a privilege appertaining to themselves, and exercised only for their behoof. To call a privilege which was as often as not turned against the liberty of the subject, a privilege of the people, appeared to them indeed as great a mockery as the pretence of the Long Parliament, that they took up arms against the King in defence of the Crown. And so odious had this House of Commons become, that it would have been difficult for them to have advanced any pretension in the shape of privilege, however righteous or moderate, which would have commanded the respect or support of the nation. Yet there was no privilege better established than that of summary punishment for contempt; and it had always been held a high contempt and breach of the law and custom of Parliament to publish the debates and proceedings of the legislature. The Commons, therefore, were justified in summoning a printer who transgressed this law, whether by

evading or openly violating it. They were justified in sending their officer to apprehend the printer when he contemned their summons. And, inasmuch as the law and custom of Parliament are part and parcel of the law of the land, they might perhaps have gone so far as to maintain, that no statutory privilege or immunity could avail against their penal process. And this really was what they did.

Allowance of counsel illusory.

The charge against the city magistrates was twofold: 1. That of releasing a prisoner in custody under the Speaker's warrant. 2. Holding to bail the officer of the House who had executed that warrant. The allowance of counsel, therefore, was illusory; since, under the limitation imposed, there could be no point of law for him to argue: he could be heard only in mitigation of punishment. But this, with the difference of skilled advocacy, the accused members could do for themselves. Up to this point, therefore, though certainly the very highest to which privilege could be carried, the Commons might have been sustained by constitutional and legal arguments of great weight and plausibility. But if the first ground laid for the charge against the magistrates was tenable, the second could hardly be maintained. Privilege can be vindicated only on the plea of necessity. Indefinite claims like these, advanced as they are in derogation of the municipal law, should, in every case, be limited to the precise necessity.

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The release of their prisoner by an adverse jurisdiction was inconsistent with their privilege, and might be justly pronounced a contempt. But it was quite possible, that their officer, in the discharge of his duty, might have committed some excess, which rendered him amenable to the ordinary tribunals; and for the House to interpose its arbitrary authority on such an occasion, was tantamount to saying, that they would uphold their officer in any insolence or oppression which he might commit in the execution of their orders. Nor could it be pretended that there were no other means of protecting the officer from any vexatious or vindictive proceedings. A court of justice could not fail to recognise the validity of a Speaker's warrant which was good on the face; the officer would be in the same position as any other minister of the law. The sufficiency of his warrant being admitted, the only question on a charge of assault would be, whether he had acted with undue violence in the execution of his duty. If he had been guilty of such excess, the House could have no interest in protecting him; for he had done that which he had not been authorized to do. It was too much to contend that the servant of the House was covered with absolute immunity, when privilege did not extend so far as to protect even a member of the House from being held to bail on a charge of breach of the peace. But if the committal of a magistrate for taking a recognizance from a servant of the House was a

wanton aggression upon courts of justice, it was far exceeded in enormity by the falsification of the city records. For this act, at once violent and cowardly, no excuse or extenuation can avail.

Formation of a Committee.

While this unhappy business was pending, and after it had arrived at a stage at which they could not well withdraw from it, the House appointed a committee to draw up a history of the proceedings, and to search for precedents. This committee was named, not for the purpose of advising the House as to the course which they ought to take, but to justify the course which they had already determined to pursue. Accordingly, care was taken that it should be so constituted as to secure that object. Treasury circulars were issued urging the supporters of the Government to attend the ballot; and the result was the nomination of a committee, which, out of twenty-one members, contained only five or six gentlemen opposed to the Court, or of independent politics;[k] and of the latter none appear to have attended.[l] A month after the committal of the magistrates, and when every man of sense was willing to let the matter pass into oblivion, the select committee made their report. This document, after recapitulating the principal facts of the case, and referring to a number of obsolete

[k] See the list of the Committee, 17 Parl. Hist. 164.

[l] Calcraft to Chatham, April 7th. 1771, iv. *Chat. Cor.*

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precedents, which had long since been consigned to the province of the political antiquary, ended with the recommendation that another attempt should be made to arrest J. Miller.

Their Report derided.

The report was received by the House with a roar of laughter. Burke immediately rose and commented upon it in a strain of the bitterest ridicule. Another member followed with a mocking motion of thanks to the committee for their labours and their advice. This motion was about to be carried with derisive acclamation, when Lord North, unable to stem the torrent, and not unwilling to get rid of the matter, moved the adjournment of the House. To this motion no opposition was offered; and thus terminated the conflict between Parliament and the Press. From that day forth, the debates and proceedings of both Houses were published, if not with so much regularity and accuracy as at the present day, at least with as much of freedom and impunity.

Lord North prompted by the Court.

Lord North had been dragged reluctantly into this quarrel with the printers. The dispute had owed its origin to the ingenuity of Wilkes,[m] whose necessities urged him to the discovery of a new subject for political agitation. The folly and vanity of the Onslows were subservient to his purpose. The retreat of Miller into the city; his capture there by the messenger of the House; the release of the former, and the committal of

[m] *Rockingham Memoirs.*

the latter, were all contrived by the experienced demagogue. The Ministry and the House of Commons would willingly have declined the conflict; neither of them desired a fresh encounter with Wilkes. But the House found themselves involved in the quarrel before they could avoid it. The king could not allow his old antagonists, Wilkes and the city, to triumph. The minister was exhorted to be firm; and the courtiers received their instructions to keep him up to the mark. At one time it was thought that Lord North's aversion to the violent measures urged by the Court would have led to his resignation. He wished to terminate the proceedings against the magistrates by a Speaker's reprimand, a course in which he would have been supported by the Whigs. The king insisted that the citizens should be sent to the Tower; and in the interval between the resolutions of the House, which pronounced the conduct of the city magistrates a breach of privilege, and the determination of their punishment, Sir Gilbert Elliot, the well-known organ of the Court, used some very strong and significant language, plainly intimating that the minister was to have the support of the king's party only on the terms of adopting vigorous counsels on the question of privilege.[n] It appears that at this time North seriously thought of resigning office; but after having been attacked by

[n] *Com. Deb.*, March 22nd, 1771; Calcraft to Chatham, March 24th.

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the populace for his conduct, he said, with a tone and manner which became his position, that no man of spirit could retreat from duty under such circumstances. Thus was he hurried on from step to step unto the last extreme; and thus, throughout his whole career, was this Minister, a man of honour, of sense and of capacity, from a fatal facility of disposition and a failure of purpose, rendered the tool of a stubborn and ignorant will, which he must have known and despised.

Declining popularity of Wilkes.

Wilkes, the author of this quarrel, was disappointed in the personal benefit which he had hoped to derive from it. His fortunes were again at a low ebb; the subscriptions which had flowed so freely to his relief during the excitement of the Middlesex elections had fallen off, as that excitement wore away. The Society for the Support of the Bill of Rights began to think that their organization might be available to other objects than the relief of the patriot's pecuniary necessities. A dispute had arisen between Wilkes and a former friend and coadjutor, the celebrated parson Horne; and as usually happens with patriots when they fall out, Wilkes and Horne became implacable and unscrupulous foes. Horne, who had proved himself a match for Junius, was much more than a match for Wilkes. His meanness and mendicancy; his selfish aims; his impudent contempt of principle in public matters, and of decency in his private habits, were un-

sparingly exposed by a congenial spirit. Respectable people seemed to be agreed to avoid him equally as a friend or as a foe. Almost all the important members of the Society for the Support of the Bill of Rights retired, from disgust at Wilkes. Alderman Oliver refused to be nominated for the Shrievalty, with Wilkes for his colleague. On the other side, the Ministry would not touch him; even the king, whose enmity was not easily worn out, is reported to have said, 'that he would have nothing more to do with that devil Wilkes.'[o] The Government and the promoters of the proceedings of the House of Commons against the city magistrates, were repeatedly taunted for not enforcing the attendance of Wilkes, who had not only taken part with the Lord Mayor and Oliver, but was well known to have instigated the resistance of the printers. They were repeatedly asked whether they considered Wilkes above or beneath the law? At length he was summoned to attend, and in answer he addressed a letter to the Speaker, declining to obey on the ground that he had not been required to attend *in his place*. The House resolute not to be provoked into another quarrel with Wilkes, passed over this studied contempt of the vote by which they had altered the return for the county of Middlesex, and were content to issue a fresh order for his attendance on a given day; but they

[o] Calcraft to Chatham, March 24th, 1771, iv. *Chat. Cor.*

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evaded the dilemma by the clumsy and cowardly trick of adjourning over the day named. Wilkes, though he had lost all credit with men of sense and discretion, still retained the affections of the lower order of people. But he was unable to turn this popularity to account for the want of a grievance. Lord Halifax, the Secretary of State, his old antagonist, had steadily refused him the second prosecution, which he too eagerly courted. The Speaker suppressed the letter which he had written for the purpose of insulting the House of Commons. Charles Fox was the only public man willing to accept the challenge of the crafty veteran; but the youthful champion of privilege was happily restrained from engaging in such an unprofitable conflict. Wilkes, at his wits' end to shake off a neglect so fatal to his fortunes, made a solemn pretence, during the debates on the conduct of the magistrates, of consulting his personal safety by withdrawing from his lodgings in St. James's to the protection of the city.[p] But this ridiculous imitation of the celebrated flight of Shaftesbury, failed even to excite ridicule.

Moderation of the City Magistrates.

With the exception of Wilkes, the conduct of the city magistrates throughout this transaction was marked by public spirit; and though not altogether free from intemperance, was moderate as compared with that of some of their partisans in the House of Commons. The language of

[p] 2 *Rockingham Memoirs.*

Burke, of Cornewall, of Meredith and Barré, was sometimes violent in the extreme. The latter especially, on the occasion of the committal of the Lord Mayor, addressed the House of Commons in a strain of violent and passionate invective, which surpassed anything that I have met with in parliamentary debate either before or since.[q] Pitt would sometimes rate the degenerate Commons; but the denunciation of Chatham was the wrath of Jove; the invective of Barré was the railing of Thersites.

Public Sympathy with the Prisoners.

The sympathy for the imprisoned magistrates was not confined to the populace. They received addresses from all parts of the country. Numerous corporations presented the freedom of their cities and boroughs to the champions of municipal rights. The grand juries of several counties voted thanks to the magistrates who were suffering in defence of the law of the land. And lastly, a deputation of the great Whig party, headed by the Marquis of Rockingham, paid a formal visit of condolence to the Lord Mayor and Alderman Oliver, after they had been lodged in the Tower.

Attempts were made to effect their liberation by writs of *habeas corpus;* but inasmuch as it appeared upon the warrants that they had been committed for contempt of the House of Commons, the judges could not interfere, and they

[q] 17 *Parl. Hist.*, p. 150.

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were accordingly remanded to custody.[s] They remained in the Tower, therefore, until liberated by the prorogation of parliament.

Whatever opinion may be held of the point of law involved in this controversy, it must be admitted that the magistrates were justified in upholding the chartered rights and privileges of the city; more especially when the House of Commons, by refusing to allow their privilege to be called in question, really asserted the right of enforcing any order, however arbitrary, which they chose to sanction by that formidable title. And I may here observe, as undue importance may seem to have been attached to the part which the City of London took in the political conflict of this reign, that the leaders of the city party, and the office-bearers of the corporation, were not, at this period, retail tradesmen, but chiefly gentlemen of figure and fortune in the country. Beckford himself, though often mentioned as if he had been an under-bred citizen, was, in fact, a West India merchant of large fortune; he had intermarried with the Lady Margaret Gordon, daughter of the Earl of Aboyne; he was the personal friend of Chatham during the best part of his life, and had always lived in the best company. Lord Mayor Harley was a younger son of the Earl of Oxford. Alderman Townshend, though the son of a rich merchant, entered public

[s] 3 WILSON'S *Reports*, Brass Crosby's Case.

life as a partizan of Lord Shelburne, sat for his borough of Calne, and was on terms of such personal intimacy with Shelburne, that he generally lived in his house during the session of parliament. Sawbridge was a country gentleman, having no city connexion whatever. He was member for one of the Cinque Ports; and had been named one of the sheriffs of London, in consequence of the prominent part which he had taken in maintaining the rights of the electors of Middlesex. An independent member of parliament in these days would think it a strange compliment to be elected sheriff of London; but in 1771 the city shrievalty was considered an honourable preferment. Sawbridge, one of the most upright men that ever sat in the House of Commons, became successively Alderman, Lord Mayor, and representative of London. Alderman Oliver likewise was a West Indian proprietor, and is described by contemporary writers as a gentleman distinguished by good breeding and accomplishments. I need hardly add, that Wilkes himself was a Buckinghamshire squire, and owed his introduction to public life to his local connection with the borough of Aylesbury. For some years before he became known in the city, he had obtained notoriety as a man of fashion about town. Brass Crosby, indeed, was of humble origin, and by profession an attorney, a coarse and uneducated man. But he must be mentioned as an exception to the ordinary quality of the civic dignitaries of the period.

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1771 Close of the session.

The dispute between the House of Commons and the city ended with the session of parliament. The House, sensible at last that they had gone too far, disregarded the advice of their committee to renew the prosecution against the printers. Privilege was relinquished; and, from that day forth, the proceedings of Parliament were regularly reported in the public journals. Thus a quarrel, originally provoked by a demagogue for the purpose of feeding his gainful popularity, and to which the Commons had been, in the first instance, committed by the levity of one of their most insignificant members, resulted in an event which must ever be referred to as a most important epoch in the constitutional and political history of the nation. There was something like poetical justice in the termination of this business. The parties who had engaged in it from sinister designs were severally disappointed. Wilkes failed to turn it to his pecuniary profit: Onslow, instead of crushing the printers, became a humble instrument, in the hands of Providence, for extending the liberty of the press. The king, by his blind obstinacy as usual, secured the triumph of those whom he wished to oppress.

Wilkes disliked in the city.

With this affair, the feud which had raged between the House of Commons and the City, for two years, on the question of privilege, finally ceased. The popular party, released by the concession of the Commons, from the strong bond of union which had held them together, immediately

gave way to the dissensions which had, for some time, been growing up among them. Disgust at the profligacy and total want of public principle which the conduct of Wilkes plainly disclosed, had already detached almost all his respectable supporters, and had alienated many from a cause, of which such a prostitute patriot affected to be the leader. In vain did Chatham and Shelburne, while shunning his society, endeavour to keep him up as a rallying point for opposition to the Court. In vain did Junius, while admitting his worthlessness, entreat the citizens, as a matter of policy, not to abandon a man, whose name was still valuable from the associations with which it was connected. The consequence of this disunion was that the Court stept in and recovered their influence in the City. Crosby, by his firm and spirited conduct in the contest with the House of Commons, had acquired popularity hardly inferior to that of Wilkes. The compliment ordinarily paid to a chief magistrate who has distinguished his mayoralty is to re-elect him to the chair; and, if ever such a compliment was merited, there could hardly be a second opinion that Crosby was eminently entitled to it. But Crosby, like his coadjutor Oliver, and many other persons of weight and character in the city, thinking that the cause in which they had been engaged, gained no strength or credit by the unnecessary co-operation of Wilkes, had not disguised that opinion. The partisans of Wilkes, therefore, determined to op-

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pose the re-election of Crosby; and, with factious spite, transferred their votes to the court candidate Nash, who was accordingly returned as the choice of the livery by a large majority.

Dissension of the Whigs.

Discord was not confined to the city. The Whigs, untaught by the experience of the last twelve years, were still as far from united action as they had been at their first schism sixty years before. Chatham proposed a bill for the reform of Parliament, reducing its duration to the triennial period, and embodying his favourite plan of an extended county representation. But he received so little encouragement from those to whom he looked for support, that he reluctantly abandoned the attempt. Some objected, not altogether without reason, that, in the existing state of the electoral system, to shorten the duration of Parliaments would only have the effect of exposing more frequently the nakedness of the constitution. The scheme of extending the county representation did not meet with greater favour. Yet, without reference to a thorough reconstruction of the House of Commons, which would have been impracticable, the measure proposed by Chatham appears to have been better calculated to meet the immediate exigency than any other that could have been devised. The evil, which, commencing with parliamentary government, had gone on impairing its credit, and at last imperilling its existence, was the increase of venal constituencies. The representatives elected by such

constituencies were partly adventurers and self-seekers, and partly members or nominees of those rival combinations of great families who were intent only on grasping power and patronage, though they all claimed the common title of Whig. The only mode of counteracting these cabals was by strengthening the landed interest.

Former character of the constituencies.

There were not in 1771, as there were in 1830, great commercial and trading communities, enlightened, energetic, and enterprising, in close correspondence with the capital and with each other, and readily adapted to political organization. The middle classes hardly existed as a power in the state. The lower orders were sunk in ignorance and brutality. The country party alone remained to represent English independence and integrity. Most of the counties, it is true, were under the influence of the greater nobility and gentry, of whom many were members of the political factions. Still there was a large body of the minor landowners and yeomanry, who, however rude and uninformed, and however much they might be cajoled by the names of loyalty and patriotism, had still intelligence and honesty enough to repel the advances of mere courtiers and impostors. The Dysons and the Rigbys were never introduced by their patrons to county constituencies. Large landed property, or affinity to great landed proprietors, have always been held by the territorial aristocracy as an indispensible qualification for a knight of the shire. And

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as to the adventurers who wandered about the country with no other credentials than bags of gold, they never presumed to alight upon a county. The increase of the county representation, therefore, was the only available mode at that time of counteracting the court party, which comprised, for the most part, the jobbers and adventurers who were the disgrace and the weakness of the House of Commons. There was, of course, no chance of carrying such a plan as Chatham had sketched out. But the whole Opposition should have united in support of a measure calculated, as far as legislation could effect such an object, to provide some remedy for a distemper which was fast destroying the noblest parts of the constitution. There was no other question so important, so pressing, as this of parliamentary reform; there was none, which, to the same extent, could have rallied popular support to a sincere and united Opposition. The country had long beheld with grief and shame the debasement of the representative system, the open debauchery of the elector, the hardly-concealed venality of the elected. It was to no purpose that they had remonstrated both with the Crown and the Commons upon an iniquity which the Crown and the majority of the Commons were plainly interested in maintaining. They looked up to their great men and were told to petition. They did petition; and when their petitions were treated with contempt, they looked in vain for more vigorous

counsels from leaders who loved to boast themselves the successors of the men who had once and again conquered the religion and liberties of their country. But the Whigs would neither take a decided course themselves, nor allow others to do so. They denounced the Society for the Support of the Bill of Rights with a virulence of which the courtiers never were the object; and, rather than obtain victory by the aid of such allies, they were content to yield the triumph to the Court.

Dowdeswell's Bill to amend the law of libel.

The disunion and jealousy of the Opposition were again exhibited on another remarkable occasion during this session. Dowdeswell had brought in a bill for the purpose of confirming the right of the jury to return a general verdict in cases of libel. There might well have been a difference of opinion as to the propriety of the course pursued by Camden and Chatham, in conjunction with the city party, relative to the law laid down by judges sitting at Nisi Prius, and confirmed by the Court of King's Bench, in trials for libel. But every section of the opposition, whether represented by Lord Camden, by Lord Rockingham, or by Sergeant Glynn, were agreed upon the expediency of settling this question by act of parliament. The question of libel was, in its nature, a question of mingled law and fact. But, by restricting the province of the jury to the bare enquiry as to the fact of publication, and referring the quality of the writing to the determina-

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tion of the court, the liberty of the press, which is second only to the liberty of the subject, was deprived of the protection of trial by jury. A single enactment was sufficient to effect this great constitutional change. Yet a dispute arose in the ill-assorted popular party on a point at once so plain and so important. Dowdeswell's bill ascertained the right of the jury by express enactment: Chatham vehemently contended for its assertion in the declaratory form. Whether the bill was drawn in the one form or the other was obviously a matter of minor importance. It was more decent, perhaps, that Parliament should define the law by its own authority, than that it should declare the law to be contrary to what it had been stated by a long current of decisions in Westminster-hall. But, after all, the dispute, as Burke himself admitted, while he supported the views of his political friends, was merely verbal. And it was quite unworthy of Chatham to give way to his spleen and resentment in this matter, because the Rockingham party had taken possession of a question which he thought belonged to himself. The ministers and the court party sat silent and amused spectators of this pitiful quarrel among their opponents. Well might one of the most distinguished members of the Opposition describe this unseemly debate as presenting a scene which nothing but the humour of Swift or Rabelais could describe.[8]

[8] Barré to Chatham, March 8, 1771. *Correspondence.*

The bill, of course, was lost; nor was it revived until twenty years later, when a new aggression on the liberty of the press afforded the Opposition of that day another opportunity of protecting it by this constitutional safeguard. Fox's Bill of 1792, was in the same form as that of Dowdeswell in 1771, and became an act of parliament, after some ineffectual resistance on the part of the law lords.

Lord Chatham's failure in the Lords.

This session was not allowed to close without exhibiting, in the House of Lords, the same want of union among the Whig party which had been so absurdly displayed in the Commons. Chatham, notwithstanding the dissent of the Rockingham party, and the remonstrances of his friend Lord Camden, persisted in moving an address to the Crown for a dissolution of parliament. This measure, which had originated with the Middlesex and city parties, and was the burden of the petition or remonstrance which, year after year, they had carried up to the throne, would not, on that account, be recommended to the Whig aristocracy. Deserted, therefore, by that proud exclusive connection, and opposed by the Court, Chatham found himself almost as forlorn in the debate as in the division.

The Whig party broken up.

These were the last faint efforts of an Opposition which, devoid alike of union, energy, and public spirit, could neither agree upon any plan of administration themselves, nor offer any effectual resistance to a system of government, which

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was making open no less than disguised inroads upon the liberties of the people and the constitution of Parliament. The corruption of the House of Commons was at length organised, and brought to a degree of perfection which had never been known to the rude art of the Walpoles and the Pelhams. The great Revolution-families were broken and scattered. New men had sprung up, the spurious offspring of a representative system which was a mockery and a fraud. The ancient laws of the land, indeed, were not openly violated; but under the form of a free constitution, and the hollow semblance of responsible government, the will of the sovereign, both in the legislature and in administration, was practically absolute and supreme. The immediate effect of this system was, as we shall see, the dismemberment of the empire; in its more remote consequences it brought the institutions of the country into disrepute, and had well nigh involved them in that terrible convulsion which crushed a neighbouring monarchy, and shook the most ancient thrones in Europe to their foundation.

CHAPTER XVI.

DEATH OF THE PRINCESS DOWAGER—HER UNPOPULARITY —POLITICAL MAXIMS OF THE KING—IMPROVED MORALITY OF THE COURT—PROFLIGACY OF THE KING'S BROTHERS—INTERMARRIAGES OF THE ROYAL FAMILY —THE INTRODUCTION OF THE ROYAL MARRIAGE ACT —DR. NOWELL'S SERMON—AGGRESSION ON THE ESTABLISHED CHURCH—PETITION OF THE CLERGY.

WHILE the King appeared to be entirely successful as a politician, he was not altogether free from domestic disquietude. His marriage, indeed, which had taken place under circumstances not very promising, had proved, upon the whole, suitable and fortunate. The queen, though singularly deficient in the superficial charms and graces of her sex, was not without qualities which harmonised with the character of her consort.

Queen Charlotte.

No prince that had ever occupied the throne of these realms carried his notions of prerogative higher than George the Third; but his interference in the details of government proceeded less from an avarice of power than a jealousy of English statesmen. This feeling, more than ambition, led him to resist the aristocratic tenden-

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cies of Whig principles; and, if he could have reposed confidence in the loyalty of his ministers, it is probable that he would have been well content to leave the control of public business in their hands, while he indulged his natural taste for domestic happiness and the pursuits of a private station.

Princess of Wales.

The Princess Dowager just lived to see the full accomplishment of her cherished hopes in the emancipation of the Crown from the dominion of party. George the Third was never more completely king, according to his mother's notion of sovereignty, than in the spring of 1772, when her Royal Highness deceased. Before, and ever since her son's accession, the Princess had been the constant mark of public obloquy; and the people were willing to attribute the arbitrary and odious measures of the Court to the evil influence of the Princess and her creature Bute, long after both had ceased to interfere in public affairs. The year before her death, and while she was suffering under mortal disease, Alderman Townshend denounced her in the House of Commons; and, at the same time, the blank walls of the metropolis were chalked with the words, 'Impeach the King's mother.' It is well ascertained, however, that neither the Princess nor Bute were ever consulted on public affairs after the administration of Grenville. The people were, therefore, as mistaken in the fact, as in their estimate of the character of their sovereign, when they attributed his misrule

to 'petticoat government.' George the Third was a dutiful son and an affectionate husband; but the direction of his mother was wholly discontinued after he had himself learned to hold the reins of power. His consort appears never to have interfered until he was no longer able to hold them. Ch. 16. 1772

Court of George the Second.

While the political maxims of the King, and the means which he employed for carrying them into effect, were, to the last degree, pernicious, the manners of his Court and the tenor of his private life were decent and respectable. In both particulars he departed from the examples of his royal ancestors. The first and second sovereigns of the house of Hanover had each conformed to the principles of the Revolution, but could not retrench the gross license of their personal tastes and habits. A recent publication has laid open the interior of the Court of George the Second. During many successive years, Lord Hervey filled a high office in the household of that sovereign, and was admitted to the confidential intimacy and friendship of the royal family. A man of birth, of fashion, and of letters, Hervey had no inducement to vilify the illustrious circle for which he entertained sentiments of friendship and gratitude; while, at the same time, the liberality of his mind and the independence of his circumstances preserved him from that undiscriminating admiration of royalty to which ordinary courtiership is prone. The royal pair are represented by this accurate observer as living on terms of

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domestic concord. They pass several hours of the day together. The influence of the wife is unlimited; nor is the history of his irregular amours reserved from that entire confidence which the fond husband reposes in the partner of his cares. Her Majesty shows her appreciation of such affectionate candour by placing the favourite mistress immediately about her person. The lady is 'her good Howard.' During absence, the King's letters to the Queen abound in the language of conjugal endearment, and in tender expressions of gratitude for her consideration of his happiness. The latter term is, on one occasion, explained by reference to certain domestic arrangements which her Majesty had made for the accommodation of a German lady, Madame de Walmoden, whom the King had purchased of her husband (a man of rank) a great bargain, and was about to bring over from Hanover. The charms and merits of the Countess de Walmoden indeed form the staple of one series of His Majesty's domestic correspondence, which is very regular, and very voluminous. It is possible that this topic might not have been particularly interesting, or even agreeable to the Queen; but that a wife who undoubtedly possessed both the love and respect of her husband, should be offered, and should accept, such a strange tribute of marital confidence and affection; that people who were far from being either fools, or philosophic contemners of the marriage tie, should carry on such an intercourse, is happily marvellous to modern comprehension.

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Death of Queen Caroline.

The last moments of this most liberal and tolerant of wives were marked by an incident which the chronicler himself thinks almost too extravagant to be credible. The Queen, like many other fond and disinterested wives, had always expressed a desire, that if she died first, the King should marry again. Her wish she reiterated on taking leave of him for ever. 'Upon this,' says Lord Hervey, who was present, and has doubtless scrupulously recorded every particular of an event so solemn and impressive, 'his sobs began to rise, and his tears to fall with double vehemence. Whilst in the midst of this passion, wiping his eyes and sobbing between every word, with much ado he got out this answer: 'Non, j'aurai des maîtresses.' To which the queen made no other reply than, 'Ah, mon Dieu! cela n'empêche pas.''

Loose morals of the Royal Family.

It was not to be expected that the female members of such a family should preserve delicacy of manners, or even purity of morals amidst the foulness which surrounded them. Their father's mistresses were domesticated in the palace; and the daughters were privy to the extraordinary relations which existed between their parents. When the King began to get tired of Lady Suffolk, 'I wish with all my heart,' said the Princess Royal, 'he would take somebody else, that mamma might be relieved from the *ennui* of seeing him for ever in her room.' According to Lord Orford, and the more measured

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testimony of Lord Hervey, another of the princesses entertained a passion for the Duke of Grafton. The same authorities leave no doubt that the youngest daughter, the 'virtuous Princess Caroline,' as her lover gallantly terms her by way of distinction, carried on a tender correspondence with Hervey himself, a married man; and that the Queen was privy to, or at least connived at, this equivocal intercourse.

Education of George the Third

The young prince, however, was in no danger of personal contamination from this sordid profligacy. During his father's lifetime, the estrangement of the two branches of the royal family admitted of no more than formal intercourse; after the death of Frederick, the Princess, wholly intent on maintaining an extensive influence over the heir apparent, rarely suffered him to visit the Court of his grandfather. But, in truth, the Court of Leicester House was hardly a better school of decency and morality than that of St. James's. The Prince of Wales, like his father, was an uxorious husband; but while the latter was led astray by gross wantonness of appetite, the former was an adulterer on principle. Passionately enamoured of his wife, a beautiful and accomplished woman, his Royal Highness yet thought it became him, as a man of fashion, to keep a mistress; accordingly he associated ostentatiously with Lady Middlesex; and as if to prove that he had not yielded to temptation, he selected the plainest among the many women of

quality, who would have felt honored by his condescension. Ch. 16.

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George the Third was only twelve years of age, when death removed from before his eyes this parental example of open homage to vice in the garb of fashion. An exterior of decorum was studiously spread over the household of the widowed Princess. The loose associates of the Prince, both male and female, were banished from Leicester House; nor were the royal children suffered to associate with the rising generation of a dissolute nobility. Yet scandal penetrated within that exclusive circle; and it was generally believed that the relations between the Princess Dowager and the chief officer of her son's household were not consistent with the regard to morality which she affected. Whether this aspersion on the fame of her Royal Highness was founded in truth, will probably for ever remain in doubt; but the close intimacy which certainly existed between the Princess and Lord Bute, whether that intimacy was really criminal or not, could hardly fail to give a tone of hollowness and hypocrisy to those lessons of religion and morality which the royal children were so sedulously taught. Death of the Prince of Wales.

The King himself, in consequence of this education, or in spite of it, was in his private conduct respectable, if not exemplary. His sister and his two surviving brothers were not equally fortunate. If the Queen of Denmark was unjustly con- Private Character of the King.

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demned, as some writers have maintained, then it is difficult to say what kind or degree of evidence is sufficient to warrant a conviction, on a charge of disloyalty in a wife to the marriage vow. The unhappy lot of that princess, in being allied to a partner who could neither command the respect, nor engage the affections of a woman of sense and spirit; the temptations to which she was exposed; the indignities to which she was subjected; and the sad catastrophe of her misfortunes, cannot fail, however the mournful story is related, to excite sympathy and compassion. Many of the circumstances go far to extenuate her guilt; but none of these, not even the death-bed denial of the wronged and unhappy lady herself, can prevail against the clearest and most cogent proof.

The King's Brothers.

Of the King's brothers, neither could prefer any title to respect. The Duke of Cumberland vied in profligacy with the most shameless debauchees even of that generation; and signalised his folly even more than his depravity, in the affairs by which he courted public scandal. He ended a short but eventful career of vice, by espousing Mrs. Horton, a handsome and clever widow, sister to Colonel Luttrell, the sitting member for Middlesex. At the same time that these nuptials were announced, the Duke of Gloucester took the occasion of declaring his marriage, five years previously, with a lady in a private station. This connexion was considered still more objectionable than that of the Irish adventuress; the Duchess

of Gloucester being of illegitimate birth. She was the daughter of Sir Edward Walpole, the brother of Sir Robert; and early in life had wedded from choice a man much her elder, the distinguished and excellent Lord Waldegrave.

That the niece of one great English statesman and the relict of another, herself a woman of rare personal and mental endowments, should change her honorable condition merely for the sake of royalty, was, however, more discreditable to Lady Waldegrave, than such a union could be to one of the least estimable members of the reigning family. The accident of royal birth on the one side, being set against that of private station on the other, the great preponderance of personal merit might be admitted to adjust the balance.

Royal Marriages

It would be unfair to allege, as an especial reproach to George the Third, that he did not reason in this manner. Philosophers and moralists, from the beginning of the world, have in vain prescribed just modes of thinking and acting upon matters which concern the pride and prejudices of an artificial state of society; and as society, is in its nature artificial, conventional rules must necessarily prevail over those which are in accordance with reason and natural equity. Reason does not admit of any rivalry between personal merit and the claims of conventional and accidental distinction; yet, according to the practice of the most civilised society, the latter are, as a general rule, preferred. The explanation is not difficult. Society

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is composed not chiefly of philosophers, nor of individuals who possess merit themselves, or the capacity of appreciating merit in others. Thus it happens, that there has been devised, instead of real merit, which is not always attainable, an artificial substitute, gross and palpable to the senses. Badges and titles, descent, and the reputation of descent — which for the most part it really amounts to — from some ancestor of desert, or presumed to have had desert in times long gone by — these are held up before the multitude as idols; and when the true merit does appear, it is seldom able to set aside the established counterfeit. The bulk of mankind, indeed, dull of discernment, and familiarized with the coarse resemblance which they can see and understand, regard with suspicion and dislike the pretensions of the divine original.

Notions of the Higher Classes.

The privileged classes have, of course, an immediate interest in upholding the faith upon which their ascendancy is built; therefore it is, that the tribute which they are bound to pay to established merit, is qualified more or less with a certain disparagement and contempt when unaccompanied by hereditary credentials. In proportion as the mind is wanting in liberality and information, it yields, as by an instinct of self-preservation, to the dominion of this prejudice. George the Third, though he had in early youth himself nearly committed a similar error, was not the more disposed on that account to make allowance for the infirmity

of his brothers. The Duke of Cumberland might figure in the courts of law, as defendant in actions of criminal conversation, under circumstances which covered him at once with disgrace and ridicule; his irregular amours might be the derision of the whole country; but he was only banished from court as having dishonoured his race, when he married a private gentlewoman of unblemished virtue. The example of a sister's fame and happiness, newly sacrificed to a cruel and unnatural etiquette, produced no effect. Because two young ladies, whose qualifications fitted them to adorn any station, had been raised to the rank of princesses, the interposition of Parliament must be invoked to guard the Electoral blood from mingling with that generous English current, which had not been thought contamination by the Plantagenets, the Tudors, or the Stuarts.

The Royal Marriage Act.

Early in the session of 1772, a royal message was brought down to both Houses, requiring them to pass a law which should, to a certain extent, place the matrimonial alliances of the royal family under the control of the sovereign.

The recital with which the message was prefaced, that the right of approving marriages in the royal family had *ever* belonged to the kings of England, as a matter of public concern, was untrue in fact. The proposition, when questioned, was evaded by the House of Commons; and no attempt was made to support it by authority. The practice was irregular. Many royal marriages

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had been from time to time solemnised without the King's consent, and without dispute. Sometimes the King had announced to parliament the marriage of one of his own children, with his approbation; but this was generally for the purpose of obtaining an endowment from the public purse. In no case had it ever been pretended, that the validity of a marriage contracted by a member of the royal family depended on the King's consent.

Policy of Restrictions as to Royal Marriages.

I am unable to discover any sufficient reason of policy, why the head of the first family in the empire should be allowed a more extensive control over the marriage-contracts of its members than the general law of the land allows to the the head of any other family. If it is expedient to provide that the throne of these realms shall not be shared by an unworthy consort, then is the Royal Marriage Act deficient in the most essential particular; for it leaves the sovereign himself under no other restriction in this respect, than the single qualification of creed which is imposed by the Act of Settlement. There is nothing in the Royal Marriage-Law of George the Third to prevent the sovereign of these realms from elevating the meanest of the human race to be the partner of the Throne. It only empowers him absolutely to interdict any person in the line of succession to the Crown, taking George the Second as the common stock, from marrying before the age of twenty-five.

For a result so inadequate, for the sole purpose, indeed, of exalting the prerogative, was a corrupt and servile Parliament found ready to encroach upon the law of nature. In vain were all the arguments of reason and morality urged against this impious and cruel measure. It was enough that it emanated from the same stubborn, bigoted and selfish will which would not be thwarted, whether its intense rancour pursued an individual, a party, or a people. The bill was carried by the means which were now habitually employed to carry the favourite measures of the Court.

Bad measures sometimes produce good results.

It sometimes happens, that measures pernicious in theory, prove harmless or even beneficial in their operation. But if every marriage contracted under the conditions of this law had proved fortunate, if in every instance in which it postponed or defeated an unpromising alliance, the public welfare could be shewn to have been concerned, the law would still remain indefensible on those high considerations of policy as well as humanity, upon which it was originally opposed. But the true character and tendency of King George's law developed itself in the first generation, upon which it took effect. The respectability and happiness of his own children were in a great measure sacrificed to it. Perhaps it may be too much to say that any law, human or divine, could have had any material effect on the character of the heir apparent. But it is certain that the Prince of

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Wales had recourse to an illegitimate marriage, to obtain possession of the only woman whom he ever sincerely loved,—a woman also qualified to adorn a throne, if personal merit can ever be worthy of such preferment; and that this connection was afterwards rudely severed for the purpose of a lawful alliance with one of the most degraded of her sex. The fate of those ill-omened nuptials in the very hour of their consummation, the disgrace and misery which ensued, the public commotion which shook the throne — all these are within the memory of living men; and these were the first fruits of the royal edict. The next son of George the Third and heir presumptive to his throne, was brought to open shame and disgrace by the infamy of a paramour into whose arms he had been driven by the policy of his father. The Duke of York afterwards contracted a marriage in conformity with the Act of Parliament, without choice and without affection. This profane and dismal mockery of the relation, at once the dearest and holiest which human beings can form, was protracted, cold and lifeless, during many weary years. The third son, in like manner, who afterwards ascended the throne of England, passed the best years of his life in open concubinage. The son of George the Third most remarkable for spirit and intelligence, like his elder brother, committed a deliberate breach of the law, by espousing a lady, whose beauty and accomplishments did credit to his taste, and who, in birth

even, was hardly his inferior; but, unlike the heir apparent, the Duke of Sussex, a man of honor and a gentleman, adhered to the engagement he had made. If we advert to the operation of the law, as it affects and as it has affected the female members of the royal family, it appears to be still more cruel and revolting. The rules of English society have subjected the gentler sex to restraints from which men are altogether free; but from the princesses of England a degree of self-denial is exacted, which human nature is hardly fit to bear. Bred up in a refined and luxurious court, surrounded by the most brilliant nobility in the world, these exalted ladies must resist all the attractions to which the female breast is more peculiarly susceptible. Bravery, gentleness, wit, learning, or any other accomplishments which can adorn a man, yea, even if these are accompanied by a name either of hereditary renown, or rendered illustrious by its possessor, can constitute no pretension to mate with a daughter of England. Unless the German storehouse of princes can furnish some petty Grand Duke or Landgrave, who, for the sake of her ample English dowry, will place her at the head of his paltry court, she must pine in hopeless celibacy.

Character of the Royal Marriage Act.

That the Royal Marriage Act has been, both in its provisions and in its results, distasteful to the people of this country, will be denied by few persons who do not come under the description

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of inveterate courtiers. It was a German law peculiar to the royal families of the Teutonic race, and unknown in England before the accession of the House of Hanover. Many of the English sovereigns, from the great founder of the Anglo-Norman monarchy, who was not even sprung from the marriage bed, to the last sovereign of the line of Stuart, were born of subjects. Of all the royal houses of Europe, indeed, the princes of the Empire alone, with uncouth pride, whenever they form an alliance beneath their own degree, give the left hand only, and these morganic marriages occupy a questionable position, something above concubinage, but far short of the honorable estate of matrimony.

It is true that the statute of George the Third did not enact in terms the German dogma. No parliament that ever sat in this country, however corrupt and servile, would have dared to put such an affront upon the nation. But the true intent and meaning of the Act were not to prevent the king's family from forming disreputable connections, but to limit their choice to the class of royalty; and practically, if not designedly, its operation has been to confine them to one circle of royalty.

The bill was feebly supported in debate by the ministers who had brought it forward in pursuance of the express command of the sovereign. Hardly an attempt was made to found it upon either principle or expediency; but precedents in its favour

were drawn from the proceedings of the Star Chamber, and the uncertain practice of mediæval kings. But the measure, though violently assailed in both Houses of Parliament, encountered no real opposition. Both the Ministry and the Opposition were equally weak. The former, destitute of inherent strength, and representing neither party nor policy, was entirely dependent on the pleasure of the Court; the Opposition, distracted and dispirited, could only protest against an insolent and unnatural law. The Crown was at this time the only power in the State.

The Bill was, therefore, carried by large majorities; but the real feeling of Parliament on the subject was indicated by a division in the Commons, on a proposed clause to limit the duration of the Act to three years after the demise of the Crown. It was clear, that the only reason for placing the Royal Family on a different footing from any other family in the kingdom, in respect of its domestic relations, must be one of high public policy; and was in no degree affected by a consideration of the Sovereign who might happen to fill the Throne. The object which the promoters of this clause had in view was, no doubt, to render the Act a dead letter, for the King's health was such as to render it very improbable that he would live long enough to sanction the marriage of one of his own children; and there remained no collateral member of the

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Royal Family who could be affected by its provisions. Thus the number on the question of committing the Bill which affirmed its principle, were 300 to 64; but the Court with difficulty defeated the limitation clause by a majority of eighteen.

Church Service for Charles the Martyr.

The other business of the Session was merely formal and ordinary. But there were some questions agitated of an important and significant character. On the 30th January, according to custom, the Service of the Church for the Martyrdom of King Charles the First was celebrated, or was supposed to be celebrated, in the presence of the House of Commons. As long as such hypocrisy was countenanced by Parliament, it is not surprising that the officiating minister should have availed himself of such a fitting opportunity to ventilate those doctrines which the Church had always asserted, and sometimes practised. On this occasion, the sermon was delivered by Dr. Nowell, a dignitary of the University of Oxford; but the divine, unlearned, or disbelieving in the orthodoxy of rebellion, omitted to make the approved distinction between the regicide of 1660, and the quibbling of 1688, and involved both transactions in a common censure. It happened as usual that the Speaker, with two or three members only, attended at the performance of this service; and the motions for printing the sermon, and thanking the preacher were matters of course. This harmless discourse, however, when it ap-

peared in print, was found to contain the old doctrines of passive obedience and non-resistance. The House of Commons was indignant. The same House which was willing to be the supple tool of George the Third, proved quite incorruptible, as regarded the character of Charles the First. Had they not inadvertently voted thanks to Dr. Nowell, they would have eagerly assented to the motion that his sermon should be burned by the hangman; as it was, they ordered that the thanks should be expunged from the journals. The scandalous mockery of continuing the canonization of Charles after the Revolution was palpable; but when it was proposed to repeal the Act by which the anniversary of his execution was observed as a Fast of the Church, the motion was rejected by a considerable majority. Even to this day, a Form of Prayer, which no reasonable person can listen to without pain or derision, continues part of the offices of the Church; and in the same breath thanksgiving is offered up for the happy reign of Victoria, and for the miraculous interposition of a merciful Providence by which the second Charles was restored to us, after we had been deprived for our sins of the first Charles, 'the greatest of kings and the best of men.' The whole office reads, in these days, more like a blasphemous satire on monarchy, than a grave formulary of a Christian Church. A faint attempt was made to take this matter up in the spirit of former times. But the days of Sacheverell were gone by; a foolish

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prosecution of a foolish parson, carried on with consummate ability and discretion, was a spectacle which could not be repeated. The statesmen and lawyers of the Revolution no longer existed, and the nation seem to care as little for liberty, as they did for divine right.

Attacks on the Church.

This Session was remarkable for the commencement of an organized aggression on the Established Church. The Dissenters had hitherto been content with toleration and relief from some political disabilities of a grievous character. But now Churchmen led the way with plans of attack on the Establishment, well considered and directed against its most vulnerable parts.

The Church of England, it must be owned, is not open to the taunt of employing worldly policy to make proselytes, or even to retain her own people within her communion. The orthodoxy of Rome is limited to a few essential tenets, and with regard to the rest of her doctrine, she is indulgent to scruple. But the Anglican Church requires implicit obedience from all her subjects. The cross in baptism, the ring in matrimony, the altar and the surplice, have repelled millions from her communion. And as if it were her policy to maintain an exclusive character, she has fenced herself round with a series of tests, some of which could hardly fail to entangle a scrupulous conscience. Happily, however, the good sense of her friends has overleaped these metaphysical barriers, and the thirty-nine propositions, which

she calls the Articles of her Faith are, by the lay people at least, generally evaded. Ch. 16. 1772

During some months past a portion of the clergy had held meetings in London for the purpose of procuring relief from subscription to, or in other words, of abrogating the whole or a part of the Articles; and, a few days after the assembling of Parliament, a petition was presented to the House of Commons, signed by two hundred clergymen and a few members of the other learned professions. By this paper the freedom of private judgment in interpreting the Holy Scripture was asserted in unqualified terms: a position plainly incompatible with the existence of any Church whatsoever; for the very idea of a Church is an association of Christians founded upon some distinctive acceptation of revealed truth. The ministers of a Church coming forward to impugn its doctrines ascertained by lawful authority, and appealing not to their Spiritual Head, but to a member of the Legislature, which could have no authority in theological questions, were wholly indefensible. The case of the lay petitioners was different. They complained, with reason, of the injustice of requiring subscription to the Articles as a test of admission to University degrees in law and medicine: and they properly appealed to Parliament to free the profession of the two learned faculties from an arbitrary and unnecessary restriction. Little note however appears to have been taken of this obvious distinction in the animated debate to which the Proceedings of the Clergy.

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petition gave rise. The petition was regarded as the manifesto of the latitudinarian clergy, and censured accordingly. The tenets of the Established Church, it was argued, might be open to criticism; but it was hardly consistent or decent for her own ministers, who had voluntarily assumed her orders, to question the validity of her doctrine; and it must be considered highly presumptuous in so small a number of the great body of the clergy in coming to Parliament for a revision of Articles which two hundred years before had been settled by the head of the Church in concert with a Convocation of its members. Every argument was against the clerical, every argument was in favor of the lay, petitioners. No attempt indeed was made to defend the propriety of requiring lawyers and doctors to qualify themselves by subscription; yet such is the tenacity of established usage, especially in ecclesiastical affairs, that it was not until eighty-three years afterwards that subscription was partially remitted as a test of qualification for a degree in one of the great national Universities.[a]

Bill for the relief of the Protestant Dissenters.

The discussion of this petition suggested a similar movement on the part of the Protestant Dissenters. If subscription to the Articles was grievous to members of the Church, how much more oppressive must it be to those who were not in her communion. Yet, by the Toleration Act, Nonconformists were required to subscribe all the

[a] 17 and 18 Vict., c. 81.—*Oxford University Act.*

Articles, except those four which directly asserted the authority of the Church and her traditions, of the homilies, and of the episcopal order. It was said that the enactment had never been enforced; and such indeed was the fact. But that was no answer to the demand for its repeal. If the law was a dead letter, it should be removed from the statute-book. If it was retained, the Dissenter had a right to say that it was with the view of enforcing it at some time, and therefore that his religious liberty was insecure. These reasons prevailed with the Commons, and a bill for the relief of the Dissenters from any subscription to the Articles passed the Lower House without much opposition. But, in the Lords, it encountered a different fate. Notwithstanding it was supported by the most eminent of the lay lords, the bishops considered that the indulgence required would be fraught with danger to the Church, and, owing to their vehement opposition, the bill was rejected by a large majority.

CHAPTER XVII.

PARTITION OF POLAND — POLITICAL CONDITION OF THE REPUBLIC — CONSTITUTION — INTRIGUES OF THE GREAT POWERS — PARTITION TREATY — REFLECTIONS.

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WHILE England was in a state of political repose, and engaged in the development of commercial prosperity, events of the gravest character were unfolding themselves both in the Old and in the New World. Already the portentous form of a confederated Republic was visible in the far West; while in the Eastern hemisphere, an iniquitous plot against the independence of an ancient and gallant people had nearly reached maturity. I shall soon have occasion to commemorate the successful assertion of American Freedom; I have now to record the Partition of Poland. The one has been described as an event the most glorious in the modern history of patriotism; the other an outrage unparalleled in the annals of national crime.

The narrative of this transaction forms no part

of a history of England; but the Treaty of Partition, concluded in 1772, has always been considered a matter of interest to this country, inasmuch as it deranged the existing balance of power, and therefore exposed the peace of Europe to new perils. The importance of the Partition Treaties, however, as affecting the European balance, has been much overrated. The passive acquiescence of England in this transaction has, indeed, by many writers, been censured as a fatal and irremediable error of her foreign policy. Abhorrence of an act so iniquitous in itself, and aggravated by every circumstance of treachery and violence, combined with sympathy for an unoffending people gallantly maintaining to the last an unequal struggle, have mainly influenced public opinion in this country, leaving little room for the exercise of calm judgment on a subject so exciting. But at this distance of time, when the Partition Treaties have become part of the public law of Europe, and cannot be dissolved without such a reconstruction of the European system as a general revolution only could effect, we must pass a dispassionate judgment upon these transactions.

During the middle ages, Poland had occupied a political position of great importance. Placed on the frontier of Christendom, she had been the principal obstacle to the progress of the Turks; while in the North and East, she had formed the barrier of Europe against the modern hive of military barbarians. But her internal condition

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was hollow and unsound. While the other states of Europe were making rapid progress in civilization, as regarded the arts both of peace and war, Poland remained stationary. The institution of military aristocracy, which, in Central Europe, had given way as learning, commerce, and political knowledge advanced, here alone flourished in rank luxuriance. The nation consisted of nobles and commons, but the common people were depressed to a state of villanage; and its institutions left no room for that middle order which was growing up in almost every other European state, infusing energy and intelligence through the whole system of society. Admission to the ranks of nobility, in which there was no distinction of degrees, being purchasable at a low price, the ambition of an emancipated serf was to pass at once from a condition lower than that of a peasant in any civilized country to become the peer of the proudest and wealthiest noble in the land. Thus the place held in Poland by a needy, dissolute, and useless gentleman, was in Germany, Italy, France, and England, occupied by a merchant, trader, or yeoman. The narrow interval between the lowest class of the privileged order and the servile peasantry, was filled up by a motley crowd of Jews, schismatics, and adventurers of every denomination, whom policy or intolerance had expelled from the more regular governments of Europe. These people, for the most part the refuse of European society, were received into Poland not so much, I

apprehend, from a humane and enlightened spirit of toleration, which is the latest offspring of civilized and polished life, as from the recklessness and impotence of the Government. Efforts, indeed, were subsequently made to expel these unwelcome intruders; but there was never sufficient energy to effect the object. Anything so absurd and mischievous as the political constitution of Poland never was proposed by the most crazy theorist of ancient or modern times; and as the incurable disorder of her Government was the immediate cause of her lamentable fate, so it must infallibly have frustrated any effort that might have been made to avert her destruction.

Of all the different species of governments which have tried the patience of mankind, the very worst is that of elective monarchy. Civil war on the one hand, or foreign interference on the other, are the only alternatives of this institution. It was, indeed, owing to the sinister suggestion of Russia, with the design which was consummated two centuries later, that on the failure of the ancient line of Jagellon in the sixteenth century, the Polish monarchy was declared elective. From that day the race of Casimirs and Sigismunds was at an end; and the Crown itself was stripped of all the prerogatives which can make monarchy respectable. Combined with this outward form of monarchy was an institution, which shadowed forth representative government in a shape still more hollow and impracticable.

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The whole of the legislative, and the greater part of the executive power, were vested in the entire nobility, who, while they sent delegates to the Diet, reserved, and on important occasions, exercised, their original rights. Each delegate, strictly bound by his instructions, was allowed no discretion; and as the unanimous vote of the Diet was required for every law, it followed that a single veto could suspend the functions of an assembly consisting of nearly four hundred members.

A constitution in which the sovereign had no power, and the legislature could not work, was but a colorable form of Government—a feeble attempt to organize anarchy, and destined apparently to perish in its birth; but speculative calculations as to the course of human affairs, founded only on the plain dictates of reason and expediency, are, as often as not, quite at variance with the event. The elective monarchy, the mob legislature, the single veto, so far from being exploded on the first trial, were maintained with as much jealousy and pride as if they were the noblest and surest guarantees of law and liberty. It was to no purpose that the effect of the first was to make the head of the state a nominee and dependant of foreign potentates; that the functions neither of a deliberative nor of an administrative body, with both of which it was charged, could be carried on in a tumultuous Diet; that the solitary veto was incompatible with the proceedings of any assembly, however limited. All these things were adhered

to, in spite of warnings amounting to practical demonstration, up to the very moment when this gallant and generous people, distracted by factions and plunged in anarchy, became an easy prey to foreign conquest and spoliation.

A nation which can neither appreciate, nor will submit to regular and rational government is not merely miserable itself, but is a source of disquietude to neighbouring powers. The modern system of Europe does not endure a government the weakness and disorder of which menace the peace and security of neighbouring states. Sooner or later the position of Poland must have tempted the rapacity of her ambitious and powerful neighbours, and afforded them at the same time a plausible pretext for interference.

Military condition.

While the civil institutions of Poland were in this state of hopeless anarchy, her military condition was equally contemptible. With an extensive frontier open on every side, and a country easily traversed, without fortified towns or a regular army, Poland was, for all military purposes, defenceless. Infantry, which had long been established in European warfare as the main arm both for attack and defence, were all but unknown in Poland. The equestrian order, of whom the army was exclusively composed, in ignorant disdain of the dismounted soldier, still continued to place their reliance on the horse and lance of the middle ages. To invade such a country as this was to conquer it; and it is obvious that its con-

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tinued existence as an independent state rested entirely on the moderation, or the mutual jealousy of the neighbouring Powers.

Russian interference.

Poland had, in effect, ceased to be an independent State for many years before the Partition. So early as 1717, a disputed succession to the crown had been determined by the armed mediation of Russia; and, a few years later, when the throne again became vacant, the Court of Petersburgh, under the bare pretext of having guaranteed the Polish constitution, asserted and maintained by force of arms the right of naming the new sovereign. During thirty years after that event, Poland remained in a state of suspended animation, apparently resigned to her fate, under anarchical institutions, and a Russian Vicegerent. But on the death of Augustus the Third in 1764, an attempt was made to throw off the foreign yoke; and certainly if anything could have aroused the spirit of a people not wholly subjugated, it was the unparalleled insult offered to them on that occasion. A nation of gentlemen had been, up to a recent period, ruled by a line of native princes; and when the descendants of Casimir were extinct, no less a personage than an Elector of the Empire, himself a sovereign prince, was thought worthy, even by the Court of Petersburg to fill the throne of Poland. Yet that proud aristocracy, which could hardly tolerate a sovereign, whose ancestors had sat on the throne of the Cæsars, because he was not the object of their

Death of Augustus the Third.

free choice, had now to endure the deepest humiliation. The successor of Augustus of Saxony was a discarded paramour of the Czarina, a man without birth, or talents, or virtues, raised from obscurity by means which have been, in all ages, considered infamous — the wretched Stanislaus Poniatowski. But even under this extreme provocation, the irregular patriotism of the Poles proved incapable of making that vigorous and united effort which alone could have redeemed their liberties. All other nations, in the presence of the foreign foe, have laid aside their domestic differences. But this people, with a Russian army menacing their capital, continued their conflict about questions of constitutional and municipal law; and appeared to be more solicitous about excluding Dissenters from civil privileges, than about defending their common country against foreign conquest. Nay, such was the infatuated rage of party, that one faction was willing to purchase a momentary triumph by sacrificing the independence of their country. In the midst of these divisions, Russia of course obtained an easy victory.

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The state of Europe at that time favored the consummation of the design which had long been contemplated. With the exception of Russia herself, the great Powers were exhausted by the long war which had recently been brought to a close. France, which had competed with the Court of Petersburg for the direction of affairs at

State of Europe.

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Warsaw, and had put forward a candidate for the throne on the late vacancies, was physically unable, on this occasion, to resist the ascendancy of the Czarina. England had never interfered in the affairs of Poland, and took little or no interest in a country so far removed from the sphere of her influence. Austria, indeed, justly jealous of her ambitious neighbour, was sufficiently occupied in guarding against the encroachment of Frederick upon her own territory; while Frederick himself, already in complicity with Catherine, engaged by treaty to support her in imposing Stanislaus on the Poles, in preventing the re-establishment of hereditary monarchy, and above all, in keeping alive the religious dissensions, which left that unhappy people an easy prey to foreign ascendancy.

Compulsory election of Poniatowski.

The extinction of the liberties of Poland may be dated from the compulsory election of Poniatowski. I forbear to dwell on the convulsive struggles for freedom which this generous nation underwent during eight years of agony. It has been said, that the scheme of partition was first propounded by Catherine to the Prussian monarch. Whether this be the fact or not, is merely a point of historical curiosity; there can be little doubt that the ultimate disposition of the country, of which they had virtually made conquest, had long been pondered in both those sagacious and unscrupulous minds. Neither could hope to grasp the whole of this vast dominion; but each might

have a share; and if Austria could be propitiated, a partition might be effected without difficulty. The proposal was made at Vienna; and no great doubt could be entertained of its reception by the Empress Queen, who had only two years before appropriated, without a semblance of right, a portion of the territory of Poland, the small but fertile county of Zipps, adjacent to her hereditary dominions. A letter from Maria Theresa to her minister Kaunitz has been quoted, for the purpose of shewing her abhorrence of the scheme to which she became a party. But if her mind had really been sensible of the enormous iniquity about to be perpetrated, she might have refused to be party to it; especially after having assured the Polish Government 'of her resolution to maintain the republic in all its rights, prerogatives and possessions'; at least, she would have shrunk from profiting by it, however much 'great and learned men would have it so.' I am at a loss to understand why professions so contrary to actions should have more credit attributed to them in the case of the Empress Queen, than in the case of the Czarina, or of the King of Prussia. Catherine, throughout all these transactions, solemnly protested 'that she had adopted as an invariable maxim, never to desire any aggrandizement of her States.'[a] And

[a] See Appendix to Lord Mahon's *History of England*, vol. v.

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Frederick declared, that 'he should constantly labour to defend the States of the republic in their integrity.' But I am not aware that the professions of these sovereigns were ever regarded in any other light than as ebullitions of gratuitous hypocrisy. They deceived nobody, nor was it necessary that anybody should be deceived.

Partition Treaty signed.

In August, 1772, the Partition Treaty was executed at Petersburg; and in the following month, the demands of the Alliance were communicated formally to the Government at Warsaw. The time for dissimulation had gone by; and the pretexts, therefore, under which these claims were veiled, hardly afforded a decent covering for rapacity. The Empress Queen and the King of Prussia invented or revived some fabulous pretensions of their predecessors five hundred years before to the several portions of the territory of the Republic, which they respectively appropriated. Catherine, indeed, disdaining the vulgar pretexts of invaders, was content to urge a practical ground, which, on the surface, appeared not wholly untenable. She said that the anarchy of Poland was dangerous to neighbouring States. But if anything could aggravate the outrage, it was rendered more poignant by this cruel and insulting mockery. During her whole reign, Catherine had laboured by every art and intrigue, and when these were ineffectual, by open violence, to perpetuate those very disorders, the existence of which she now affected to make the justification

of her crime. The elective monarchy, the *liberum veto*, the religious discords which every Pole who desired regular government sought to abolish, had been kept up by the machinations of the Czarina, as evils which could not fail to work the ruin of the Republic, and secure the triumphs of her policy.

Apportionment of territory.

By the scheme of spoliation which the confederated Powers concluded with the solemn formalities of public law, each appropriated an extent of territory proportioned to his dominions. Russia acquired Livonia and other provinces covering more than 3,000 square miles. Austria had Galicia with part of Podolia and Cracow, comprising 2,500 square miles. Frederick obtained no more than 900 miles of territory, but including Pomerania and the country of the Vistula, which enabled Prussia to assume the position of a first-rate Power. The armies of each potentate immediately occupied the soil of the Republic according to their allotted divisions.

Thus was accomplished, by regular compact, without any resistance on the part of the helpless victim, and with the passive assent of Europe, this act of audacious rapine. I can add nothing to, I would abate nothing from, the language of execration with which every friend of freedom, nay, every lover of truth and honesty, has loaded the Treaty of Partition. My immediate concern is to enquire whether any part of the infamy which covers the principals in this transaction can

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justly attach to the other Powers of Europe, and more especially to England, who may have seemed to sanction it by a tacit acquiesence.

Policy of France.

France, indeed, had done her utmost to frustrate the designs of Russia; and, by instigating the Ottoman Porte to declare war against the Czarina in 1768, she had in fact created a diversion which retarded the fate of Poland for a few years. But it was hardly by regard to the balance of power, still less by sympathy with the liberties of the Republic, that the Court of Versailles was actuated in taking this course. The preponderance of Russian influence in Poland seems to have been but little considered as a question affecting the independence of other European States; and France herself had, for the last two hundred years, competed with Russia for the government of Poland, and would doubtless have been restrained by no sentiment of compunction from sharing in the spoil of that country, had circumstances favored such a design. The ruling motive of French policy at that time, was the prospect of retaliating upon England the humiliation and reverses of the late War; and it was on account of the friendly relations which subsisted between Petersburgh and London, rather than from any speculations as to the balance of power, that France endeavoured to thwart the policy of Russia.

Policy of England.

The policy of this country was determined by similar considerations. The humiliation of the House of Bourbon was the single aim of British

diplomacy, as it had been the sole object of the late War, which, but for domestic jealousy, would, in the general opinion, have accomplished its purpose. No statesman of the time, no public man either in or out of Parliament, no public writer, as far as I am aware, ever expressed an opinion adverse to this view of our foreign policy. Nor can there be any reasonable doubt that such was the policy suited to that period. Among the indirect means of counteracting the Family Compact, none appeared so effectual as the aggrandisement of Russia. That was the opinion of Chatham, who certainly beyond any other statesman of his age, if not of any period, understood the interests of England, and upheld her ascendancy in the scale of Europe. Burke, acutely sensitive as he was to oppression and wrong, while reprobating the iniquity of the transaction and the violence with which it was attended, felt bound to admit that the immediate effect of the Partition was to lower France by elevating Russia and Prussia in the balance of Power.[b] The Secretary of State administered a severe rebuke to the Ambassador at Constantinople for his officiousness in urging the Porte to continue the war against Russia, which had been instigated by France for the purpose of effecting a diversion in favour of Poland. The nation itself was wholly indifferent to the wrongs of a people of whom they knew little or nothing,

[b] *Annual Register*, 1772.

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whose case they did not understand, and whose fate was a subject of as little interest as that of any barbarous, or semi-barbarous race at the extremity of the globe. The ministers both of France and England were inferior men; but though Louis may have thought, that, had Choiseul been in power, an event so disastrous to the interests of France might have been prevented, it is certain that the Partitioning Powers would not have been turned from their purpose, which they were fully prepared to accomplish, except by force of arms. France indeed did affect to make warlike demonstrations but it was notorious that she was in no condition to prosecute hostilities against either of the great military monarchies, whose alliance was cemented by the strongest bonds of interest. England, too stood in need of rest to recruit her military strength impaired by the prodigious efforts of the Seven Years' War. Still, for an adequate object, she could have rallied her powers; nay, even in a worthless quarrel, she might, as aforetime, have awakened the vigour and energy which had too often been wantonly displayed; but neither England, nor any other nation, ever undertook hostilities merely to defend another sovereignty from aggression. It has been a common practice, indeed, to make use of such a pretence in a declaration of war; while the real, if not obvious, motive has been interest or ambition. In the most recent instance, the independence of Turkey was menaced by Russia: we took up arms avowedly to maintain

the integrity of the Ottoman empire; really, to check the further advance of a Power already too great for the safety of Europe. So far as the mere interests of civilisation were concerned in this quarrel, the merger of a barbarous and infidel Power into a semi-barbarous and superstitous rule would have been a step in the course of progress. In either case there was no question as to the liberties of the people. A war, therefore, merely to vindicate the right of one despot in preference to the claim of another, would have been utterly futile; but a war to restrain inordinate ambition, to preserve the balance of Europe, to prevent the propagation of political maxims adverse to the cause of Freedom, was justified by reasons which, as long as the sword is appealed to as the last arbiter of civil rights and interests, are of undoubted weight and urgency. In the absence of such considerations, the Czar might have reigned at Constantinople as absolutely as he has long reigned at Cracow.

Present opinion on the partition.

The question, then, in 1772 was precisely similar to that which arose in 1854. Were the interests of England concerned in the integrity of Poland? In the present age, the neutrality of Great Britain in the affairs of Poland has been censured as the capital error of her foreign policy. Yet such a view of this country's interests never presented itself to any statesman or patriot of that generation; and it is difficult to believe that contemporary politicians were wholly ignorant of,

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and indifferent to, the interests of their country. Strange, too, that it never seems to have suggested itself to any Court in Europe, that England was negligent of a golden opportunity of advancing her own influence, or diminishing that of a rival. The truth is, that the cause of Poland has been recommended to modern sympathy on sentimental grounds; and we may look in vain for any reason which should have urged a minister of this country to interfere, either by negotiation or by arms, in the affairs of the republic. For two centuries past, Poland had ceased to occupy an independent place among the states of Europe; and, in fact, the balance of power was better adjusted by dividing the dominions of the republic among the neighbouring sovereignties, than by leaving the whole to the preponderating influence of Russia, Austria, or France. So sensible, indeed, was Catherine of the impolicy of exchanging the virtual government of Poland for the acquisition of a part in absolute sovereignty, that it seems certain the project of partition would never have originated at St. Petersburg, had not a concurrence of circumstances disclosed the increasing difficulty of maintaining the preponderance of Russian influence at Warsaw. Stanislaus himself, the creature of the Czarina, had openly espoused the cause of the patriotic party; Frederick, while in close alliance with the Czarina, strongly urged the settlement of those domestic differences, upon the perpetuity and aggravation of which the as-

cendancy of Russia in the affairs of Poland mainly depended. The Empress Queen, also, who has been sometimes represented as an unwilling party to the Treaty of 1772, had advanced very extensive pretensions to the territory of Poland two years before the date of that compact, and had actually seized upon a province which for nearly four hundred years had formed part of the dominions of the republic. The Court of Versailles, likewise, which had always maintained, with more or less success, a rivalry with that of St. Petersburg in the political intrigues of Poland, had lately instigated the Porte to declare war against Russia, for the purpose of effecting a diversion in favor of the party opposed to Russian influence at Warsaw. Such considerations as these, probably, rather than any premeditated scheme of conquest, determined the sagacious and politic Catherine, in proposing the dismemberment of a State which could not govern itself, and yet was impatient of foreign intervention. Russia was, doubtless, actuated in all her relations with Poland by the lust of rule; but it would be difficult to maintain that the pretence upon which she justified this violation of the law of nations was altogether destitute of plausibility and force. A people in a state of anarchy is dangerous to neighbouring governments, and may justify, on their parts, the application of that ultimate law of self-preservation which neither municipal nor public law can repeal.

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If the modern invectives against the passive acquiescence of this country in the partition of Poland were the mere ebullition of sentimental clamour, I should have been satisfied with little more than a passing allusion to an event in which the interests of Great Britain were not immediately concerned. Yet practical statesmen, as well as writers of credit and authority, have loaded this transaction with every epithet of vituperation as one of unmitigated and unprecedented iniquity. But if the partition of Poland must receive unqualified condemnation, how are we to defend similar transactions in which we have been ourselves repeatedly engaged, either as principals or parties? Is there one public law for Europe and another for Asia? It is in vain to urge that our vast Indian empire, though wrested from native princes, has been more beneficial to the people than that of the rulers whom we deposed or put to death. A similar apology might be made for the partition. If regular government of any description is preferable to anarchy; if the condition of a free labourer is under any circumstances better than that of a serf, then it may be argued with plausibility, that Poland was well deprived of an independance which she abused. But, in truth, all such pretences are alike hypocritical and false. The welfare of the conquered people never was the motive of a conqueror; although in the ultimate dispensation of human affairs, the happiness and

prosperity of the people have often been the results of violence, rapacity and oppression. Ambition or political convenience, or both, have dictated almost every invasion of the rights of independent states; and if such motives and arguments are wholly insufficient to justify or palliate these acts of power, then must not only the partition of Poland by three neighbouring sovereignties, and the annexation by this country of every province in the East, from Benares to Oude, but the partition of Saxony, the union of Holland and Belgium, and the annexation of Norway to Sweden by the Congress of 1815, be equally condemned. The whole history of such transactions is stamped with one general character. England, for her own purposes, recognized and adopted the acts of her lieutenants, who assumed to confiscate or dispose of vast territories in Asia, to which this country could not prefer the shadow of a claim. Three of the great Powers of Europe, in 1772, confiscated and apportioned among themselves part of another state. Five great Sovereigns, in 1815, constituting themselves trustees of the balance of power, and conservators of the public peace, assumed the right to confiscate and apportion among themselves and others the whole territory of Europe. These arbitrary arrangements were made without consulting, and for the most part against, the will of the different people and governments which they affected. The dispo-

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sitions then made, as well as the motives of the high contracting Powers, have been freely criticised; but since the Treaty of Westphalia, the right or usage of the great Powers to assemble in Congress from time to time, or on fitting occasions, to adjust the balance of Europe, has been fully recognized. It may be argued, that the partition of Poland in 1772 was a very different thing from the partition of Saxony, and the annexation of Norway and Sweden, by the Treaty of Vienna. I will not pause to examine the soundness of such a distinction; my only object has been to shew, that whatever opprobrium may attach to the parties immediately engaged in the Treaty of 1772, England would not have been justified by any consideration of policy in departing from the rule of non-intervention on that occasion; and that she cannot consistently either with the policy to which she has been a party in conjunction with the other leading Powers, or with the policy which she has independently pursued up to the present time, pronounce an unqualified censure on the transaction of 1772.

CHAPTER XVIII.

THE TEA ACT—SUCCESSFUL RESISTANCE OF THE PEOPLE OF BOSTON — DISCLOSURE OF THE CORRESPONDENCE BETWEEN WHATELEY AND HUTCHINSON — PROCEEDINGS BEFORE THE PRIVY COUNCIL—ARBITRARY ACTS OF PARLIAMENT — MEETING OF THE GENERAL CONGRESS.

THE breach between England and her American dependencies, which had been widening year by year, was now rapidly advancing to an open rupture.

Differences with the American Colonies.

The party opposed to the imperial pretensions of the parent state, had, by their courage and constancy, as well as by the vigilance and address with which they took advantage of the mistakes of the home government, converted a partial remonstrance against a particular grievance into a patriotic demonstration against foreign rule. It was entirely owing to the incessant and skilful agitation of the popular leaders that the faint idea of national independence, which existed at the commencement of the quarrel, was fostered and developed until it became irresistible.

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Imprudent conduct of the Government.

It is not my intention to follow in detail the infatuated policy of the English government, by which the object of the Colonial patriots was mainly promoted. After the bloodshed at Boston in 1770, nothing occurred for nearly three years to increase the quarrel between England and her Colonies. Commercial intercourse being suspended, the obnoxious Customs Laws were dormant, and political agitation had consequently subsided throughout the disturbed provinces. An administration capable of learning a lesson from experience, and endowed with any forecast or wisdom, would have taken advantage of an interval so propitious for the settlement of this painful question. Had North been a real minister, his natural moderation and good sense would probably have dictated the policy of withdrawing at once and absolutely from a conflict which threatened to dismember the empire, and in which neither the interests nor the honour of the country were involved. But, with all his ability and knowledge of affairs, in which he far surpassed his contemporaries — excepting, of course, Chatham, who stands aloft beyond the sphere of comparison—Lord North, from his fatal indolence and facility of disposition, became the mere agent of the King, who was the real head of the responsible government, and the sole dictator of its policy. To compel the submission of his American subjects, by any means, was the fixed determination of George the Third; and, unhappily, in this instance, the obstinate pride of the

English people coincided with that of their Sovereign. Ch. 18.

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An occasion for the renewal of the old quarrel between England and America was supplied by an attempt on the part of the Imperial Parliament to revive the operation of the Colonial Customs Duties. This was done by a measure beneficial in itself to the Colonies; but when was a people engaged in a generous struggle for freedom diverted by an insidious attempt to practice on their selfish interests? Such a design was calculated still more to inflame their zeal, and, accordingly, it was defeated with scorn and indignation by the American patriots. Attempt to revive the Customs duties.

The East India Company (on whose affairs I will not at present enlarge), having laboured for several years under financial difficulties, had at length been obliged to appeal to the Government for aid. One expedient for the relief of the Company was to force a market for their principal commodity, tea, of which they had a great quantity in stock, by repealing the export duty; and, as the Colonial Customs duty was much less than that which was levied at the British port, it was thought that such a reduction in the price of this important article as would be effected by the drawback must prove at once acceptable to the American consumer and beneficial to the Company. The proposal, however, touching as it immediately did, the tender point in the relations between Great Britain and her dependencies, was received with Exports of Tea to Boston.

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renewed demonstrations of hostility and resentment. The people on the sea-board took measures to prevent the landing of a commodity which was to be branded with the obnoxious impost; and the arrival of the ships bearing these odious cargoes was eagerly expected. Three of the tea ships entered the port of Boston; they were boarded by the insurgents, and the cargoes were thrown into the sea; but no other damage was done, nor was any violence offered to the ships' companies. No further attempt was made to land any portion of the large consignment of tea which had been shipped under the recent Act of Parliament.

The question of taxation was virtually settled by this signal failure to enforce the law, or rather by the absence of any attempt to protect the property of merchants, who had made their ventures by the express authority, if not at the instance of the English government. But the dispute was no longer a mere matter of Customs duties. The vigilance and address of the party which was bent on achieving the independence of their country, readily took advantage of any cause of offence, real or imaginary, accidental or designed, to inflame the irritation of the provinces. While the English tea ships were being expelled from the ports of North America, a proceeding was taking place in England calculated to exasperate the colonists even more than the attempt to tax them without their consent.

Hutchinson and Oliver, the Governor and Lieu-

tenant-Governor of Massachusetts, had, it seemed, at one period of the American disturbances, occasionally corresponded with Whately, the private secretary and confidential friend of Grenville. These letters, written by friends and gentlemen, entirely free from reserve, and naturally communicative upon the one topic of paramount interest, expressed opinions favorable to the assertion of its authority by the English Government. There can be no reasonable doubt that the letters were shown, and were intended to be shown, to Grenville and other persons of political mark in this country. Nor does it make any material difference, that, at the time when they bear date, neither the American nor the English statesmen were under the responsibility of political office; for though Grenville was only a private member of Parliament, he exercised that influence and authority which belong to a member of Parliament who has once guided its deliberations, and directed the Councils of the nation. Hutchinson, also, though only Chief Justice, was notoriously designated as the successor of Barnard in the government of Massachusetts. The opinions of a native colonist, highly reputed for ability, candour, and knowledge of his countrymen, could not fail to have great weight with English statesmen, imperfectly informed as to the real character and extent of the American commotion, and willing to uphold, if possible, the ascendancy of Great Britain.

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It was then, and still is, the practice of the

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Dr. Franklin implicated.

American and West Indian Colonies to maintain semi-diplomatic agencies in this country, partly for commercial, and partly for political purposes. Franklin was at this time agent for Massachusetts. During his long residence in this country, Franklin had maintained a moderation on the subject of the dispute between the English Government and his countrymen, which might have been expected from advanced years, large experience, and a mind elevated far beyond the vocation of a mere demagogue. He never denied the right of England to legislate for her colonies; for a long time he only questioned, in a guarded and qualified manner, the power of taxation; and he always asserted that the object of his countrymen was limited to a redress of grievances, strictly consistent with their allegiance to the British Crown. He censured, in common with most of the Whig party in Parliament, the introduction of a military force into Boston in 1769, and according to his own account, had attributed that measure to the ill-advised energy of the Home Government, until he was assured that it had been adopted in deference to the urgent remonstrances of some of the leading persons in the colony which he represented. The individual from whom Franklin obtained this information not only showed him the original letters on which the Government had acted, but allowed him to obtain possession of them, on the futile conditions that they should not be printed, that no copies should be taken, that they should be

shown only to a few leading people, and that they should be carefully returned. Ch. 18. 1773

These were the letters which had been addressed to Whately, during the years 1767-8-9, by Hutchinson and Oliver. How this correspondence came into the possession of Franklin is to this day unexplained. All that Franklin himself ever disclosed was, that he obtained it from a member of Parliament. Whately had died in 1772. His papers, of course, became the property of his personal representative, a brother, who had never examined them. The person who communicated them to Franklin had, therefore, no right to their possession; nor was Franklin justified by any law of honour or honesty, either in reading these papers, or receiving them into his custody. It has been suggested that Franklin's story was an unfounded slander on the character of an English member of Parliament, and that he stole the papers himself. Such may have been the fact; but this is certain, that if Franklin was not himself the thief, according to his own showing, he must have received the papers, knowing them to have been stolen. Letters to Whately.

The letters were forthwith forwarded to the Committee of Correspondence, an association of the leading patriots at Boston, which had been formed in the autumn of the preceding year for the purpose of regular communication with the other colonies, and organizing the opposition to the English Government. This committee, which Excitement in the colonies.

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consisted of twenty-one members, were duly restricted, in accordance with the terms upon which the papers were said to have been received, from printing them, or allowing them to pass into general circulation. But it hardly required Franklin's great sense and deep knowledge of mankind to foresee that such a prohibition must be idle and illusory. One or two magnanimous patriots might perchance be found, who would decline to achieve the freedom of their country by questionable means; but that a score of zealots should refrain, in the very crisis of their cause, from a slight transgression, which would all but render it triumphant — was contrary to all experience of history and of human nature. The papers soon after their arrival were laid before the Colonial Assembly, which readily found a pretext for ordering them to be printed.

The selection of letters — for they had evidently been carefully selected — thirteen only in number, contained matter enough to inflame the excited passions of the people. It was confidently asserted in these papers, that the maintenance of the authority of the Crown was wholly incompatible with the continuance of free institutions in the Colony; and the Colonists themselves were pronounced unfit for the same degree of liberty which was accorded to the people of the parent state. Government was advised to put down the agitation for independence by military force; and there were even some phrases so ambiguously

used, that by no very violent construction, they seemed to recommend the removal of the popular leaders by sinister means. Ch. 18. 1773

Resolutions were immediately passed by the House of Assembly, expressive of the strongest indignation against Hutchinson and Oliver, and adopting a petition to the King 'that they might be removed from the Government of the Colony.' The Governor and Lieutenant-Governor, on the other side, prayed to be heard by counsel in vindication of their conduct, and both petitions were referred to the Privy Council. Resolutions of Houses of Assembly.

A more ill-advised measure could hardly have been taken. There should have been no reasonable doubt as to the course which ought to have been pursued. After the disclosure which had taken place (it mattered not by what means) Hutchinson and Oliver should have been removed from their posts. Any hesitation to take this step could not fail to be interpreted as an adoption on the part of the Crown of the extreme opinions and arbitrary counsels of its representatives in the Colony. And even if such views had happened to coincide with those of the English Government, as in the main they did, the premature avowal of them was in the last degree impolitic and indiscreet. In any case, the reference of the matter to the Privy Council was without any apparent object. The authorship of the letters being admitted, the only question was, whether persons who had committed themselves Reference to the Privy Council.

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to the opinions contained in those letters were, under any circumstances, and especially under existing circumstances, fit to administer the government of a dependency of the British Crown? That was a question for the King's responsible government, and for them alone to determine.

But the reference of this question to the Privy Council was not merely a pitiful evasion of their plain duty by the ministers of the Crown. The public discussion of a difference between the Vicegerent and the local legislation of a distant colony, involving high and delicate points of policy, and involving nothing else, on the footing of a law suit between private parties, was in itself derogatory both to the Crown and its dependency; while the angry conflict of the hired lawyers on both sides, could not fail to degrade and exacerbate the quarrel.

Scene at the Privy Council.

The scene at the Privy Council when this unhappy matter was debated, fulfilled the worst anticipations that could have been formed. The Ministry, while affecting to refer the whole question to the Privy Council for their unbiassed Report, openly espoused the cause of the Colonial Governors, by appointing one of the law officers as their counsel. The Assembly retained Dunning, the celebrated Opposition lawyer. It has been idly said, that this great advocate, conscious of the difficulty of his cause, spoke without his usual force and effect. A practised counsel could not fail

to be aware, that the point on which his case was least defensible, was the surreptitious possession and dishonorable publication of the letters, for the one as well as the other of which his client must be held responsible. But with consummate ability and discretion Dunning took higher ground. He treated the personal defence of Franklin as subsidiary and independent of his main position, which in fact, was, that he had no *locus standi* before the Court. He denied the existence of a *lis mota*. He denied that the Petition of the Assembly, which he was concerned to vindicate, alleged any crime or made any accusation. It merely appealed to the discretion of the Crown, and made no demand for justice. It was a matter for the King to grant or refuse. His clients had no impeachment to make, no evidence to produce.[a] On the other side, every art of unscrupulous advocacy was resorted to by the Solicitor-General to disparage the Assembly, and the American people, in the presence of an excited and applauding audience. It would have been well had the expression of feeling been confined to the spectators; but the members of the august tribunal itself could not, many of them, forbear from indecent and insulting expressions of their sympathy with the counsel for the Crown. Famed as he was for his sarcastic oratory, Wedderburn surpassed himself in the vigor and brilliancy of his

[a] Burke's *Correspondence*, vol. i. p. 453.

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invective against the Assembly of Massachusetts, and their distinguished representative in England. I have not scrupled to censure the conduct of Franklin in the affair of the letters, as unworthy a man of honour and a gentleman. But some allowance should be made for the circumstances in which Franklin was placed. He may be said to have been the organ and representative, at the British Government, of the Colony which was foremost in the assertion of American liberties. He was instructed to claim certain concessions and privileges, as the almost unanimous demands of his countrymen. And after having maintained these pretensions consistently for a succession of years, he was now told that he had been attempting to mislead the English Government, by representing as the sense of the Colony what was really the clamour of a few demagogues. I do not desire to overstate this apology. Franklin was well aware, the popular leaders at Boston were well aware, that the sentiments of Hutchinson and Oliver had ever been more in accordance with those of the Home Government, than with the opinion of the Assembly. But the American Envoy was willing that his party should profit by an opportunity so favourable as the discovery of this correspondence, to make a demonstration of their power. He saw that the crisis of American affairs was approaching, and that the great question whether the Colony or the parent State was to give way

must soon be determined. Some new impulse was wanting to raise the tone of provincial patriotism to the revolutionary pitch; some stronger bond of union between the different independent settlements than any which yet existed must be supplied; and the disclosure of treachery, or what might pass for such, on the part of native Americans holding high office in the Colony, seemed to furnish the occasion which was wanted. This affair of the purloined letters was, in a word, one of those transactions of which history affords numerous examples, of a great end being advanced by unworthy means. It was a transaction to which Washington would not have stooped, but was level to the morality of Franklin.

Partiality of the Council.

Whatever might have been Franklin's fault, the conduct of his judges was such as to show that the semblance even of impartiality was not to be expected when colonial grievances were concerned. While the Solicitor-General was denouncing the American agent, in language of studied derision, as a traitor, a thief, a treacherous spy, unsafe to be admitted to the intercourse of private life, the members of the Council, Earl Gower, the president, setting the example, expressed by laughter and gestures of applause, their sympathy with the advocate. Lord North alone maintained an imperturbable gravity. The minister felt it was no laughing matter. And, perhaps, the sympathy of one who was himself a scholar and a wit, as

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well as a humane and high-bred gentleman, would have inclined more to the venerable philosopher and man of letters, who stood alone amidst a host of insulting foes, than to the venal and shameless lawyer, who so impudently affected to vindicate the cause of truth and honor.

Final decision.

That the decision of such a tribunal would be against the petition of the Assembly there could be no doubt. But it was hardly to have been expected that even a packed body of King's friends and courtiers should have gone the length of reporting as 'frivolous and vexatious' a document, which submitted that persons who had recommended measures directly subversive of the laws and constitution of the colony were unfit to hold office as the representatives of the Crown.

In conformity with the report of the Council, the petition of the colony was rejected, and Franklin was immediately dismissed from the important office of Postmaster-General in America, which he had held for some years.

Quarrel with the colonies inflamed.

I have dwelt at some length on this disastrous passage in the quarrel between England and her American dependencies, because, in common with most writers on the subject, I consider the breach to have been thenceforward irreparable. Up to this period, it is agreed on all hands that the dispute might have been accommodated, and the colony reconciled for the time, at least, to British dominion. But those who had hitherto held aloof from the councils of the patriotic party, still con-

fiding in the justice and generosity of the British nation, were now content to unite with their countrymen in obtaining, by other means, the redress which they had hitherto sought by remonstrance and supplication.

Measures were now adopted on both sides of the Atlantic tending to precipitate the rupture. Soon after the Petition of the Boston Assembly had been disposed of, intelligence arrived in England of the refusal to admit the tea ships. This was considered an affair of such gravity that it was formally communicated by a message from the Crown to both Houses. A Bill was immediately introduced to close the port of Boston; and, after a faint shew of opposition, was passed through its stages as rapidly as the forms of Parliament permitted. This arbitrary proceeding could be justified only on the assumption that the lawless destruction of the cargoes had been instigated or approved by the inhabitants of the town — an assumption which was no doubt founded in fact; but it is hardly necessary to point out the gross error of the English government in not previously righting itself by founding the measure on a demand and refusal of the local authorities to make reparation.

Alteration of the Charter of Massachusetts.

Concurrently with this measure, an act was passed to alter the Charter of the Colony of Massachusetts in some important particulars. The appointment of judges, magistrates, and sheriffs belonged to the Colonial Council, and the Council

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was elected, like the Assembly, by popular suffrage. The new law of the Imperial Parliament transferred the appointment and removal of the judges, and the other officers of the law, to the governor, and vested the nomination of the Council exclusively in the Crown. These provisions were conceived in the spirit of the famous letters, the discovery of which had lately given such an impulse to the Colonial question. The change in the constitution of the Council was, however, a measure in itself wise and just; but though the appointment of the ministers of justice should be wholly disconnected from a body which owes its existence to popular election, it did not follow that a power upon the exercise of which all security to freedom and property, and all confidence in government ultimately depends, should be left in the head of the local administration. The supreme executive authority, far removed from provincial intrigues and influence, should have reserved the power of appointing the judges, if not the inferior officers of the law. But these measures, whether for good or evil, were sure to be denounced in the colony as an arbitrary confiscation of chartered rights and an open invasion of popular privileges. A government which passed such measures as the Boston Port Act, and the Massachusetts Government Act should have been prepared to enforce its authority by arms. And so indeed they were. Concurrently with the enactment of these laws, a significant change was

made in the government of Massachusetts. The House of Assembly had petitioned for the recall of Hutchinson. Their prayer was contemptuously rejected. But a few weeks afterwards Hutchinson was removed, and his successor was General Gage, the Commander-in-Chief in North America. At the same time a bill was passed for quartering and billetting troops throughout the North American colonies. Ch. 18. 1773

Opposition of the Whigs.

All these measures were encountered in their passage through Parliament by opposition from the Whig leaders, but as the bulk of the party had from the commencement of the American troubles given a general support to the coercive policy of the Government, the American cause was sustained only by the argument and eloquence of the few distinguished statesmen, who had always recommended counsels of a more wise and generous character.

Fox's desertion from the Tories.

The debates on American affairs during this session afforded the occasion to Charles Fox of finally separating himself from the Tories. Holding an inferior place in the Government, his frequent insubordination had incensed even the placable temper of his chief; and, on his opposing the Colonial measures of this year with characteristic vehemence, Lord North deprived him of his office, by a letter, the caustic brevity of which added poignancy to the mortification of a dismissal.

State of opinion as to the Colonies.

A remarkable proof that the differences between the colonies and the mother country had at length

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arrived at an issue, was found in the change which at this time took place in the opinions and conduct of some eminent men on either side. Conway, Dowdeswell, Thomas Townshend, and other Whigs, who had hitherto favored the pretensions of the colonists, now supported the measures of the government. While Washington and others, who had kept aloof from the violence of the Boston party, in the hope that a reconciliation with the mother country might yet be effected, now committed themselves heartily and without reserve to measures of resistance. When the intelligence of the Boston Port Bill arrived in America, the colony of Virginia, in which Washington resided, adopted a resolution simultaneously with Massachusetts itself, that a general Congress of delegates from the provinces should assemble to consider the state of affairs; and Washington declared his readiness to raise a thousand men at his own charge and lead them to Boston. He was also present at a meeting which adopted a petition to the king, enumerating in emphatic terms the grievances of the colonies, beseeching his Majesty not to reduce his faithful subjects in America to desperation, and warning him that 'from a sovereign there could but be *one appeal*.'

The Boston Port Act was to take effect on the first of June, and preparations were made to commemorate that day as an era in the struggle for freedom. The people of Boston were too far

committed to stand still; they must either recede or advance in their conflict with the British government. But they never hesitated for a moment, and their proceedings were marked by judgment and policy, as well as by firmness and vigor. Every measure which they took was calculated, at once, to provoke the hostility of the executive, and to engage the sympathy of their countrymen.

A fast day proposed by the Assembly.

At the opening of the session, on the 26th of May, the Assembly addressed the governor to appoint a day for a general fast, on account of the calamity which had befallen the province. The answer to this insulting demand was, of course, a refusal; and the governor alarmed at the spirit thus manifested, adjourned the Assembly until the 7th of June, when they were to meet at Salem, in pursuance of the decree of the Imperial Parliament. The House on re-assembling voted a sarcastic address to the governor, affecting to congratulate him on his appointment, and expressing a hope that his administration would present a happy contrast to that of his predecessor. They voted five hundred pounds towards the expences of a General Congress; and were preparing a manifesto condemning, in the most unmeasured terms, the conduct of the English government, and almost inculcating the duty of rebellion, when the governor anticipated them by a hasty dissolution. And thus closed the last provincial parliament which met under the auspices of the British crown.

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Final dismissal of the Assembly.

The dismissal of the assembly, as might have been expected, increased the agitation. Public opinion, no longer allowed a vent through the constitutional channel, broke out in the town meetings and committees of correspondence. Resolutions were passed, pledging the people to renounce all commercial dealings with Great Britain, and all intercourse with their fellow countrymen who should act otherwise. And this compact, in imitation of the stern confessors of liberty from whom they sprung, the people of New England called a 'solemn league and covenant.' But the measure upon which all their energies were concentrated, and to which they exhorted the other States, was the consideration of a plan of united action by means of a General Representative Congress.

Before the recent attempt on the part of the English Government, to revive and enforce the obnoxious policy of taxation, the friends of British connection far exceeded the independent party in wealth, if not in numbers, even in Massachusetts; but in all the other North American Colonies, they were decidedly preponderant. And up to the moment when the first collision of arms took place, there was a considerable minority reluctant to go extreme lengths in opposition to the mother country, and decidedly averse to separation. A frank, unhesitating, and unqualified change of policy, would, at this eleventh hour, for the time at least, have preserved the Colonies,

and averted the peril and humiliation of the rupture which ensued. But the pride and obstinacy of the King, supported as they unhappily were, in this instance, by the domineering character of the English people, determined at its commencement, the character and result of this quarrel.

General contempt for the colonies.

An arrogant contempt for the American people, pervaded English society. The Colonists were haughtily regarded as degenerate from the great parent race. Their pretensions to an equality of civil privileges were considered presumptuous. Their personal courage even was disparaged. And, it is certain, that the agents and parasites of the crown were too prone to flatter this insolent spirit of depreciation. To the last it was believed, that the empty bluster of the provincials would subside before the unshaken will of the central government; and even when this opinion was dissipated by the events of Lexington and Ticonderoga, no doubt existed of the ultimate suppression of the revolt.

Exasperation of the state of Massachusetts.

When the acts of the imperial parliament for the alteration of the charter of Massachusetts, for transferring political offenders in that colony to the English tribunals, and for quartering troops upon the inhabitants were promulgated through the province, it was no longer possible to maintain even the semblance of submission to the authority of the crown; and General Gage, finding his remonstrances vain, and his proclamations unheeded,

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no longer hesitated to make open preparations for military defence. He drew together all the troops at his disposal, and fortified a narrow isthmus, called Boston neck, by which alone the town was accessible on the land side.

Armed confederacies.

These hostile demonstrations were answered with alacrity by the insurgents. Armed confederacies were formed by the country people, as well as by the inhabitants of Boston, but they cautiously refrained from open violence until a fitting opportunity offered.

Inability to form a council.

The time arrived for appointing the Council according to the new law; but of the members nominated by the Governor, though amounting only to thirty-six, there were found only twenty-four friends of British connection who were willing to incur the odium of taking the necessary oaths. The Council, therefore, could not be constituted. Under these circumstances, the Governor recalled the writs for the new Assembly which was to meet in October; but the members already elected, voted the proclamation illegal, and in default of the Governor's appearance to inaugurate the Assembly with the usual formalities, they declared themselves a provincial Congress, and proceeded forthwith to exercise, not only the functions of a legislative body, but to assume the powers of the Executive Goverment. They formed a Committee of Safety, which organized a militia force, appointed the officers, received reports, and directed the sheriffs and

collectors of taxes to retain the proceeds of the public taxes, subject to their orders. General Gage issued a proclamation, denouncing this Assembly and their acts, as seditious and treasonable. The proclamation was treated with contempt, and the orders of the Convention were implicitly obeyed.

Congress at Philadelphia.

While the popular cause was thus prosperous at Boston, the great Congress of the States assembled at Philadelphia. All the North American Colonies sent delegates, with the exception of Georgia, which, though foremost in co-operating with the New England party, was, from some unexplained cause, unrepresented on this momentous occasion. The most distinguished citizens of their respective States were sent on this eventful mission. The two Adamses, whose patriotic ardour was tempered by prudence and skill, appeared on behalf of Massachusetts. Patrick Henry and Washington, were the representatives of Virginia; the one celebrated as the greatest orator of America; the other already noted for his superior wisdom, virtue, and authority. Dickinson, the author of the famous *Letters from a Farmer in Pennsylvania*, which produced so great an effect in America, on the question of British taxation, was chosen as the delegate of his province. Peyton Randolph, Quincey, Jefferson, and others, whose names were soon to become famous, are found among the fifty-six members of the first Congress. There

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were a few merchants and men of large landed property among the number, but the greater proportion consisted of lawyers. Some of them had from the first, taken a decided part against the measures of the Home Government; but few of the violent democratic opponents of British connexion, were sent to Philadelphia; the great majority were men of moderate views, determined, indeed, on the redress of certain grievances, but desirous of maintaining the connexion with the mother country. Several of the delegates, indeed, brought express instructions from their constituents on this point.

The Congress conducted their deliberations with closed doors; but there could have been little question as to the course they were bound to pursue. A consultative body armed with no direct powers, they could do no more than ratify by their authority the proceedings of the provincial assemblies. They also drew up their Declaration of Rights, enumerating and reviewing, according to the precedents of State papers of this class, the grievances of which they complained, and asserting the well-known claims of civil liberty, the rights, namely, of representative institutions, of self-taxation, of free discussion, of local trial by jury. The statement of these several rights and privileges was pointed by reference to the recent acts of the British Government. The perseverance in attempts at taxation, the prohibition of public meetings to discuss grievances,

the violation of charters by altering the constitution of the Legislative Council, the change of *venue* in criminal indictments were all acts of oppression and wrong, to which they plainly declared that the people of America would not submit. Ch. 18. 1774

These topics were varied in three other papers of a similar character, addressed respectively to the Colonies, to the King, and to the People of Great Britain. These papers were highly creditable to the literary ability and good sense of their authors. Precise in statement, measured in language, well reasoned, and dignified in style, they were calculated to made an impression upon those who dissented most widely from their conclusions.[a] Papers of Congress

Still, had it not been for the wise precautions which they adopted of debating with closed doors, and of resolving that no division of opinion should appear on the record of their proceedings,

[a] I cannot quite concur, however, in the eulogium pronounced upon the papers of Congress by Lord Chatham. 'When your lordships look at the papers transmitted to us from America when you consider their decency, firmness and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all my reading and observation,—and it has been my favourite study — I have read Thucydides, I have studied and admired the master states of the world,—that for solidity of reasoning, force of sagacity and wisdom of conclusion under such a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia.'— *Speech in the Lords, 20th January*, 1775.

Ch. 18. 1774. it is probable that this famous assembly would have separated without having arrived at any result, and certainly without having exhibited to their constituents and to England that formidable display of union, discretion and firmness which excited so much admiration and respect. The Congress had many difficulties to encounter. They met under circumstances by no means promising. The representatives of the different States were for the most part personal strangers to each other. The democratic and independent spirit of the New England provinces, so far from being acceptable to the other States, was regarded by them with jealousy and distrust. Accordingly, at the first meeting of the Congress, nobody appeared willing to take the lead, and it was only after a long pause that Patrick Henry, the eloquent and zealous representative of Virginia, rose up and uttered a few stirring sentences.

The delegates from Massachusetts, conscious of the prejudice against the extreme counsels which they were expected to advocate, studiously kept back. It was not until after much animated discussion that the Congress could arrive at an agreement upon any point. At length a proposition was made which fairly put the sense of the Assembly to the test. Mr. Galloway, one of the members for Pennsylvania, a gentleman of large fortune and influence, brought forward a plan for effecting a settlement of the conflicting pretensions of Great Britain and the Colonies on

the subject of legislation. The principle of his proposal was, that over all matters of local concern, the provincial assemblies should have exclusive control; but in questions of a mixed character involving considerations of general and imperial interest, there should be a concurrent action between the local legislatures and the Parliament of Great Britain. His idea seemed to have been the establishment of a relation somewhat analogous to that which exists between the two Chambers in the system of the English Constitution; but his details were imperfectly defined; nor is it probable that such a scheme could ever have been reduced to a practical form. Nevertheless, the proposal was eagerly supported by the friends of British connection; and notwithstanding all the efforts and arguments of the patriotic party, who saw that the adoption of such a proposal could have no other effect than to stultify the Congress, it was rejected only by a single vote.[b] Galloway, the mover, in the following year, when arms were taken up, joined the Royalists.

Moderate party overruled.

After this trial of strength, the moderate party in Congress gave way to the energy and determination of those who denounced the policy of compromise, and no serious opposition was offered to the vigorous counsels which subsequently prevailed.

[b] *Life and Works of John Adams.* Boston, 1856. *Diary*, vol. ii. p. 377, n.

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East Indian and American affairs.

Parliament was occupied during the sessions of 1773—4, chiefly by East Indian and American affairs. The colonial measures, though sanctioned by large majorities in both Houses, and some of them without a division, underwent severe scrutiny and strong animadversion. Dunning, Dowdeswell, Barré, Fox, at different stages of the discussions, opposed the bills with great ability; but Burke's speech on a motion for the repeal of the tea duty, in April 1774, was a finished specimen of the highest order of eloquence. The whole history of the American question was comprised in this splendid composition, together with every argument that could be urged against the justice and policy of the recent legislation for the colonies; yet the style is so diffuse, so discursive, and so redundant in illustration, that the perspicuity of the statement is dimmed, and the chain of the reasoning is relaxed, and sometimes dropped. Some topics are also introduced, which have only a collateral and incidental connexion with the subject. The characters of the statesmen who took foremost parts in American politics — Grenville, Charles Townshend, Chatham, and Lord North — admirable as they were, could only have the effect of diverting attention from the wrongs of America, the horrors of civil war, and the perils of a divided empire. This great oration produced little effect upon the House. While speeches, which it is an effort to read, have carried away the au-

dience, the eloquence of Burke, which will be studied with delight as long as the language endures, was barely tolerated by a listless and impatient assembly. Though a master of composition, and accomplished in all the arts of rhetoric, he was wholly wanting in the more essential qualifications of an orator. With the aspect and manner of a pedagogue, a monotonous voice and a provincial brogue, his singular ignorance of tact and taste, gave perpetual offence to the most fastidious audience in the world. The speeches of Burke abound with passages the conception of which is so exquisite, that nothing but the most execrable delivery could have marred their effect.

I will quote a single example from the speech on American taxation. He had been shewing that the tax of three-pence a pound on tea, payable on entry at the American port would, from its insignificance as a source of revenue, and its inadequacy to supply the place of the duty for which it was substituted, be considered only as imposed for the purpose of asserting the obnoxious right of imposing a customs' duty.

'Could anything,' he said, 'be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues, and your dearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition of three pence. But no commodity will bear three pence, or will bear a

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penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden, when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings on the principle it was demanded would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty that the Americans are unable and unwilling to bear.'

No person acquainted with the House of Commons can doubt the effect which this passage must have produced, had the delivery sustained the force and pungency of the argument. What would not Chatham, or his son, or Fox, or Sheridan have made of it? Yet, from the lips of Burke, it passed unnoticed.

Lord Chatham's Speech.

After an absence from parliament of two years, Chatham went down to raise his voice once more against the fatal policy, to which the government were becoming irretrievably committed. His speech, though wanting the fire of his earlier displays, was in tone and temper consistent with the wise moderation of the counsels which he urged. None of the Whig leaders, indeed, encouraged the Americans in their violent resistance to the law. Rockingham, writing to Burke, immediately after the destruction of the cargo of tea,

by the people of Boston, declared their conduct was not to be justified; Shelburne expressed the same opinion;[c] and even Chatham condemned the proceedings at Boston as turbulent and unwarrantable. The Cabinet itself was divided in opinion. Some of the ministers concurred in the moderate sentiments of the opposition; while others, the minority, it is believed, in numbers, as well as in character and influence, were for extreme measures. The former openly spoke of the disturbances in Massachusetts, as a commotion; while the latter were eager to designate them as open rebellion. Lord Dartmouth, who had succeeded Hillsborough as Secretary of State for the Colonies, with Lord North himself, were all but avowedly for conciliation; while Suffolk and Sandwich thought fit to use the language of insult and defiance to the whole American people. For a moment, it seemed doubtful which policy would be adopted; but the strong will of the King was sure to determine the wavering counsels of his cabinet.

Government of Canada.

Among the numerous Colonial measures brought forward during the session of 1774, was one of a wise and beneficial character. This was the bill for the better government of Canada. Twenty years had now elapsed since the conquest of that important province; and during that period its affairs had been regulated only by occasional

[c] Lord Shelburne to Lord Chatham, 4th April, 1774. *Correspondence.*

Ch. 18. 1774. orders in Council. It was time, therefore, that permanent provision should be made for the laws and government of the colony. So far back as 1771, the law officers of the Crown had been instructed to ascertain the system of judicature which then prevailed, and with reference to that system, as well as to the customs and manners of the inhabitants, to prepare a new code of civil and criminal law. Every other source of information which could afford aid in the adjustment of apt institutions, appears to have been carefully consulted, the result being that in 1774, a plan was matured for the consideration of Parliament.

French population of Canada.

When it is stated that the old French population of Canada consisted of 150,000 persons, while only some 360 English settlers were scattered over the vast area, the absurdity of framing for such a country, institutions analogous to those of Great Britain, must be sufficiently manifest. The French subjects of Louis the Fifteenth, whose allegiance had been transferred by the fortune of war to George the Third, neither understood nor desired those privileges which are so highly prized by people of English descent. Accordingly, in the scheme that was prepared, the habits and character of the race which so greatly preponderated, were mainly considered. For a representative chamber, and trial by jury, the Canadians cared nothing; but the free profession of their ancient faith was a privilege to

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which they attached the highest importance. Yet because this people were denied the elective franchise, which they could not appreciate, and trial by jury in civil causes, which they did not want, but were allowed freedom in their religion, a hypocritical and bigoted clamor was raised against the Bill. The arbitrary restrictions on the commercial freedom of a neighbouring province, the violation of chartered rights, nay, the very invasion of trial by jury in criminal cases, so essential to the liberty of the subject—all these things were allowed to be done without a word of remonstrance or of sympathy on the part of the people of England, on behalf of their oppressed and distracted brethren; but no sooner was it proposed to tolerate the Roman Catholic form of worship, and to respect the property of the Romish Church, in a province where all the inhabitants, with a few exceptions which might be counted by the head, were members of the Church of Rome, then an attempt was made to raise the old alarm of Popery, in connection with the cant of arbitrary power. The Corporation of London took the lead in an unworthy attempt to raise a popular opposition to the Bill; and what is more to be lamented, Lord Chatham was so ill-advised as to declaim against a measure which, with regard to the circumstances of the case, was in perfect harmony with the most approved principles of civil and religious freedom. It is to be recorded to the credit of the King, who had

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Controverted Elections.

The other proceedings of the Session of 1774 require only cursory notice. The Act for determining Controverted Elections, which had been passed against much interested opposition, chiefly by the authority of Grenville, four years before, was about to expire, and a motion was made to renew and perpetuate this wise and excellent law. Nevertheless, the proposal was met by a strenuous opposition. None, indeed, had the assurance openly to disparage a measure which provided for the trial of a simple issue of fact, by judicial machinery, instead of leaving it to a party vote of the House, influenced, of course, by the minister of the day; but now that the upright and able author of the Bill was no longer spared to vindicate the honour of Parliament and the free exercise of the elective franchise, the friends of corruption made a vigorous effort to defeat this wholesome measure of reform. But though no man was found openly to defend the old system of trying questions of disputed seats at the bar of the House — a mode of trial which was happily described as a tribunal where there were few to hear, but many to judge — still there was no want of pretences, more or less ingenious, for getting rid of the law. Lord North, with more plausi-

bility than any of its opponents, urged that the measure had not had a fair trial, and that it should be subjected to the test of the general election which was about to take place, before it became a permanent part of parliamentary law. The most frivolous objection was made by Fox, who was apprehensive that the privilege of the House would be impaired by delegating its powers to a Select Committee. But the question was, whether the constituencies had not a prior right that their elections should be determined by a competent and impartial tribunal? And as this tribunal consisted of a Committee of the House itself, the powers and privileges of the House underwent no compromise. The Bill, though opposed by most of the members of the Government, was carried by a majority of two to one in a full House; and to the credit of Parliament remained the law until its principles were farther developed by the Act of 1848.

Debate on Horne Tooke's Libel.

One of the most animated debates of the session was occasioned by a challenge thrown out to the House, by a notorious libeller, to engage in another conflict with the Press. And so flagrant as well as unprovoked, was the insult offered, that had it not been for the signal discomfiture which the House had sustained in its last rash quarrel with the printers, it is hardly possible that they could have failed to obtain public sympathy and support, in punishing their profligate assailant. Parson Horne, who had obtained an evil notoriety

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for his wit and impudence, incited by the success which had attended Wilkes and other less skilful antagonists, in their quarrels with the House of Commons, was disposed, it seemed, to try his fortune in this line of political adventure. And lest the House, discouraged by its late reverses, should decline the contest, he made his attack so direct and pointed, that it could not fail to be noticed. It was at the Speaker himself that this ribald priest thought proper to fling his insult; and the pretence was so futile and frivolous as hardly to colour his design. Two petitions had been presented by the member for Norfolk, one for, and the other against a Local Inclosure Bill. The adverse petition came from a small proprietor named Tooke, a person who patronized Horne, and whose name Horne afterwards assumed. In ordering these petitions to be brought to the table in the usual way, the Speaker, who does not appear to have had the slightest interest in the matter, observed, in answer to some question or expression of opinion, that they were ordinary petitions on an ordinary Inclosure Bill. For this the Speaker was assailed by Horne, in a long and abusive letter, inserted in the *Public Advertiser*. He was accused of a scandalous breach of trust, of diverting the attention of the House by a false assertion as to the character of the proceeding referred to, of wilfully misleading the member to whom the petitions had been entrusted, and of thus fraudulently smuggling the measure through

the House, for the purpose of gratifying the promoter of the Bill, who was 'a creature of the minister, the brother of a chief justice, and a connection of Lord Boston.'

The printer summoned to the Bar of the House.

The Speaker thought fit to inform the House of this insult, and Woodfall, the printer, was summoned to the bar. Woodfall immediately named the Reverend Mr. Horne as the author of the libel, and Horne was accordingly ordered to attend. This man, who excelled the most skilful and practical lawyer in readiness and ingenuity, no less than in coolness and assurance, was one of those bullies whose pen and tongue were more formidable than the weapons of an ordinary swaggerer. He had been engaged in several contests, and whatever the quality of his antagonist, had always obtained the advantage. His disputes with Junius and Wilkes were still fresh in the recollection of the town. His subsequent altercations with the Attorney General who prosecuted, and with the Lord Chief Justice who tried him for his life, were remarkable examples of ready wit, courage, and effrontery. In provoking a quarrel with the House of Commons, Horne appears to have been encouraged by the City; for when the officer of the House came to serve him with the order, he was found with Oliver, the Alderman, who had been committed to the Tower for his conduct in the affair of the printers. Horne on receiving the summons, affected to treat it as served upon the wrong person, and informed the messenger

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that when the House thought proper to require *his* attendance, he should be happy to wait upon it; and he wrote a letter to the chief clerk to the same purport. Upon this report the House pronounced him guilty of a contempt, and the Serjeant-at-Arms was directed to bring him to the bar. He accordingly appeared in custody, and was informed by the Speaker of the gross libel and breach of privilege with which he was charged. Horne in reply took no notice whatever of the libel, but made a long speech, the insolence of which was rendered more keen by the affectation of deference and humility under which it was veiled, arguing that he could not possibly be guilty of a contempt of the House, as he had sent such a polite answer when the messenger first waited upon him, and afterwards shewed so much alacrity in his obedience, when he received their second and peremptory order. Upon this Oliver, by previous concert, stood up, and moved that Horne had exculpated himself, and should therefore be discharged. This motion was, of course, negatived, and Horne was required to answer the substantive charge of libel. To which Horne replied, after some impertinence, that he should take the course usual in a court of justice, and plead 'Not guilty.' He was ordered to withdraw. The House it seemed were quite unprepared for this answer; and a difficulty arose in proving the authorship of the libel. The Solicitor-General said it could not be proved by confronting him

with Woodfall, because Woodfall was himself in custody as an accessory upon the same charge; and such evidence would consequently be a violation of a well-established principle of criminal law. Woodfall, however, was called in, and asked whether any person was present when Mr. Horne gave him the letter containing the libel. Woodfall having replied in the negative, an attempt was made to adjourn the enquiry, for the purpose of obtaining, if possible, the necessary proof. This motion was strongly opposed both by the friends of the press, and by those members who desired to redeem the House from the ridicule into which it had been betrayed by the ingenuity of Horne. Among the latter were Lord North and the law officers. The result was, that after an unsuccessful effort to prove the case by the journeymen in Woodfall's printing-office, the House was completely baffled. Woodfall was discharged because he had at once given up the name of the libeller; and the Reverend Mr. Horne was discharged, because there was no legal proof of his identity with the Reverend Mr. Horne who had offered so gross an insult to the House.

Indiscriminate conduct of the House.

While the profligate author of this scandalous libel on the first commoner in the country thus escaped without punishment, so little discrimination did the House observe in their denunciation of libels, that a foolish Jacobite paragraph, reflecting on the Revolution of 1688, was thought a fit subject to be brought before the

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House, and by no less a person than the most rising statesman and orator of the day, Charles Fox. Yet the concluding words of the article were undoubtedly true; and a more signal example of their truth could hardly have been cited, than the very man who asked the House to pronounce it a false and scandalous libel.[d] But in this instance, instead of taking the law into their own hands, the House directed the Attorney-General to prosecute; and the result was, that the two Woodfalls, the respectable publishers of the *Public Advertiser* and the *Morning Chronicle*, the principal London journals, were convicted before Lord Mansfield, sentenced each to a fine of two hundred pounds, and imprisonment for three months.

Prevalence of Slander.

This was an age of libel and slander; yet it would be unjust to represent the Press as peculiarly licentious, or as the only organ through which the prevalent spirit of defamation and falsehood found a vent. The Houses of Parliament, Public Assemblies, the Arts, the Drama, nay, even the Pulpit, contributed to swell the flood of slander which inundated society. It was but the other day that the House of Commons had

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[d] 'If we look into morality, our governors, since that period (the Revolution), by their wicked examples of bribery, corruption, dissipation, gaming, and every species of wickedness that can be committed, have so debauched the morals of the people, that morality is in the same deplorable condition as liberty, property, and religion, viz., almost vanished from these once happy isles.'

inadvertently thanked their own chaplain for a sermon quite as virulent as the libel for which the printers of a newspaper were now visited with fine and imprisonment. The license of parliamentary debate had no doubt been excessive from the era of the Revolution. The names of Walpole, Wyndham, Yonge, Pulteney, Pitt, are associated with records of parliamentary conflicts, which for vehemence and ferocity have not been equalled, perhaps, by those of a later period. We are assured, indeed, that the great administration of Walpole, sustained as it was by the vigour and fortitude of its chief, by the support of the Crown, and favoured by the best part, if not by the majority of the nation, sunk at last overwhelmed by the torrent of invective with which it was assailed. The rigor, however, with which the Standing Orders interdictory of publication were enforced, rendered the parliamentary eloquence of those days less known to contemporaries than they are to the present generation. But when the publication of the debates became tolerated by connivance, and at length in 1774, after the short but sharp struggle lately recorded, openly recognized, the proceedings of Parliament, more especially of the House Commons, have been a subject of daily and eager interest to the people. Thus the people became, in a sense, parties to the debates of the Legislature, which, consequently, acquired an influence and importance hardly to be appreciated in

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later days, when a powerful and intelligent Press has at least divided the empire of Public Opinion with the Senate. What, then, was the example set by that great Assembly, the Representative of the People, which comprised men elevated above their fellows by every form of distinction—illustrious birth, vast opulence, civil wisdom and moving eloquence? The men who took a foremost part, seemed to be intent on disparaging each other, and proving that neither possessed any qualification of wisdom, knowledge, or public virtue. The language with which the administration of Lord North was nightly attacked in the House of Commons, would have been exaggerated if applied to the worst Government that had existed in ancient or modern times; and the epithets of reproach lavished personally on the Minister, were applicable only to the vilest and most contemptible of mankind. The terms of insult were sometimes, indeed, so gross and extravagant, that they rebounded from the victim, and recoiled upon those by whom they had been hurled.

Charles Fox, who entered on public life as the follower, and who subsequently became the colleague, of Lord North, took the lead in this disgraceful warfare. Not on one or two occasions only, but continuously, night after night, for a series of years, the rising hope and head of the Whig party denounced his former chief and future ally as the greatest criminal in the country,

called for his blood, spoke of him as a villain with whom it would be unsafe to be alone; and up to the eve of the coalition, desired to be branded as infamous if he ever formed a political connection with that Minister. Barré, who had passed from the practice of gross insult to equally gross adulation of Pitt, was also conspicuous in parliamentary defamation. But amidst numerous slanderers, whom to name would only be to redeem from the obscurity into which they have sunk, it is painful to record that Burke was among the foremost in this ignoble strife. The years, the philosophy, the decorum which governed his private life, could not restrain this great man from plunging into the excess of party violence, and from using weapons which the most impetuous and profligate of his coadjutors forbore to touch. It was not enough for Burke to assail in unmeasured terms the public character and policy of the Minister, but he must hold up the bodily defects and infirmities of the man—not, indeed, to the ridicule, for with all its faults the prevailing temper of the Assembly has ever been that of gentlemen—but to the disgust of the House of Commons.

Evil speaking in Parliament.

This practice of evil speaking was at its height during the American war; but its prevalence at all times, formed one of the most prominent of the reasons which were urged against the publication of the debates. Rigby, and other members of long parliamentary experience, maintained that a daily report of what was said in the House of

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Commons, could not fail to lower it in the estimation of the public, and thus bring the system of representative government into discredit. But public censure was a certain remedy for the abuses and irregularities of debate. The great Council of the nation could not long endure the derision and contempt which attend the vulgar squabbles of a vestry. The orator who might venture to indulge his party heat in the presence of some hundred or two of his equals, will soon be taught circumspection when his words are circulated through the land, and criticized by thousands of readers, little subject, perhaps, to the passions of party, and wholly free from the excitement of debate. Accordingly, since the admission of reporters for the public journals, a marked change for the better has taken place in the proceedings of Parliament. Personal invective, which, up to that time, had been the chief weapon of debate, was more sparingly resorted to, and is, at length, almost wholly disused in parliamentary warfare.

Immorality of the Stage.

The STAGE, at this period, was either a school of immorality, or a vehicle of slander. The most popular plays and farces, if they were not founded on the scandal of the day, contained pointed allusions to the gossip of political and fashionable society, and persons conspicuous in either. Foote, the most successful dramatist and accomplished actor of that time, sought reputation and fortune

chiefly in the line of slander. His pieces were for the most part lampoons; and his performances consisted in *taking off*, as it was called, that is in exaggerated mimicry of individuals known to the public, from dignitaries in Church and State, down to persons of the lowest degree. There was only one mode of escaping this persecution and insult, and that was by paying — an alternative which Foote usually intimated to such of his intended victims as were rich enough to purchase immunity. On one memorable occasion he met his match. When the town was occupied with the adventures of the notorious Elizabeth Chudleigh, titular Duchess of Kingston, Foote waited on the lady, and presented her with the copy of a piece intended for representation at his theatre, and to be afterwards published with a dedication to her grace, unless she thought proper to pay him two thousand pounds. The libellous character of the performance, however, being too manifest, it was interdicted by the Lord Chamberlain; a correspondence ensued between the dramatist and the duchess so extremely abusive, that though the former had the advantage in wit, it would be difficult to determine which was the more scurrilous. About the same time, Foote experienced a rebuff from a very different quarter. Dr. Johnson, whose personal peculiarities presented a tempting subject for low satire, was, among others, to be 'taken off' at the Haymarket; but the sturdy moralist having been informed

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of what was to take place, bought a bludgeon, and announced his purpose of breaking the jester's bones by way of retaliation. The provocation of course was never given.

Foote's Theatre.

Foote's place of amusement in the Haymarket, had been originally opened by an evasion of the law which regulated dramatic representations; and it was to the patronage of the rich and noble that he was afterwards indebted for a license. His stage, indeed, was far more attractive than the patent theatres, where the regular drama was performed by Garrick and Cooke. It is one of the many proofs of the coarse and low morality of these times, that in private life Foote was the companion not merely of the dissolute idlers who live to be amused, but was received in general society, as if there had been nothing disreputable in his character or occupation. The odious talent of this man was no doubt calculated to recommend him to a class of society of which practical wit, gossip, and detraction, formed the chief excitement. The masterpiece of the most accomplished dramatist of the age, and also the masterpiece of polite comedy, after abating something for scenic effect, and deducting, perhaps, the greater part of the wit, presents a faithful picture of good company during the latter half of the eighteenth century. But if a new Sheridan were to arise, he would not now write a *School for Scandal*, no more than Swift, had he lived in the reign of George the Third, would have produced

his *Polite Conversation*, as an accurate sketch of the manners of that age.

Debased character of the Press.

To say that the Press was in these days chiefly sustained by libel, is merely to repeat that the taste of society was depraved. Literature, in a highly artificial state of society, is as much a matter of demand and supply, as any other article of trade and commerce which is dependant on the caprice of fashion. Slander and satire being called for, are produced as readily as low dresses and short petticoats are produced when called for by the arbitrators of millinery. To praise or blame the morality or immorality of journalists, as the case may be, is, therefore, to fall into the common error of mistaking effect for cause. If the public desire to be instructed on the topics of the day, men of character and education will come forward as public instructors. When party spirit runs high, an inferior class of journalists finds employment. Unscrupulous mercenaries and disappointed adventurers, who will affirm what they know to be false, or pervert what they know to be true, are the writers to serve the turn. At this period there was little or no demand for the higher order of political writing. Party spirit, outside the walls of Parliament, was so languid, that the public no longer cared to read how the ministry were saving or ruining the nation. Pamphleteers, who appealed to the country on the alarming crisis of affairs, appealed in vain. But tracts which gave the secret history

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of the Princess Dowager's intrigues with the Earl of Bute, or the private life of the Duke of Cumberland, met with a good sale. The public were much more interested in the domestic history of a public man, than in his political character and conduct. Several periodical publications ministered almost exclusively to the demand for gossip and scandal. And these papers paid their contributors more liberally than the respectable journals.[e] No great skill or talent was required to please the taste of the public. Their appetite was not nice, and their credulity seldom rejected any fable, however gross. The story of Elizabeth Canning created greater interest than any public event which had taken place for twenty years, greater than the Excise scheme, or the war of Jenkins's ears. The ignorant daughter of a washerwoman who invented a tale which it would seem incredible that any but washerwomen could have believed,[f] was for a time the topic of conversation in every society, and long after she had been transported for perjury, Elizabeth Canning had, probably, as many disciples as Johanna

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[e] '"I am not employed in the political line, but in private disputes,' said one of the gentlemen of the press this year (1772) to T. Townshend, explaining why he had preferred entering into the service of the newspapers rather than into that of the minister. Attacks upon private character were the most liberal existing source of newspaper income.'—FOSTER'S *Life of Goldsmith*, vol. ii. p. 389.

[f] HOWELL'S *State Trials*, Vol. xix.

Southcott. The Cock-lane ghost was another equally vulgar delusion, which occurred some years after. The age of infidelity was also the age of the most childish credulity. Anybody who had a marvellous story to tell was eagerly listened to. Fortune-tellers, astrologers, casters of horoscopes, prophets who fixed the day for the end of the world, had numerous clients and devout audiences. The people, in fact, were willing to follow any impostor, and to believe any thing but Revelation.

CHAPTER XIX

COMMENCEMENT OF THE AMERICAN WAR — BATTLE OF LEXINGTON — BUNKER'S HILL — WASHINGTON APPOINTED TO THE COMMAND OF THE FEDERAL ARMY — EXPEDITION TO CANADA — INSURRECTION IN VIRGINIA.

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THE Legislation of 1774, brought the quarrel between America and Great Britain to an issue. The people of Massachusetts had from the first fought the battle of the Colonists, and if they were now to be abandoned to the vengeance of the mother country, the Colonial cause itself must be abandoned. The revolutionary party at Boston were undismayed by the proceedings of the British Government; the leaders of that party were prepared for the extremity which they had long sought; and they made an earnest appeal to their fellow-colonists to support them in their resistance to the parent State. The sufferings and privations inflicted upon the port of Boston by their exclusion from commercial privileges, far from mortifying the rebellious spirit of the inhabitants, only inflamed their

resentment, and tended still further to widen a breach, already, perhaps, irreparable. The Provincial Congress, assembled in defiance of the Governor's proclamation, openly invited the people to assume arms, and to acquire military discipline; while they denounced as enemies of their country, all persons who should presume to supply His Majesty's troops with stores or military muniments. Pennsylvania, Virginia, Connecticut and Maryland followed the example of Massachusetts.

Proceedings of Gen. Gage.

General Gage, on the other hand, soon after his assumption of the Government, in the preceding summer, had taken the precaution of fortifying a narrow isthmus, called Boston Creek, which commanded the principal communication between the town and the open country. To this place also he withdrew his troops, who had already been tampered with by the people. At the same time, he represented to the Home Government the dangerous state of the province; and urged, that such a force should be placed at his disposal, as would enable him to crush the rebellion at its first outbreak. But he was told by Ministers at home that he had only a rabble to encounter, and that it was not worth while to raise an army to a war complement for the purpose of suppressing a disturbance so insignificant. The same despatch which contained the refusal of adequate military reinforcements, instructed the Governor to take a step

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calculated to bring the quarrel to an immediate crisis. He was to arrest the popular leaders, should they attempt to summon a Provincial Assembly in defiance of his proclamation.

Preparations of the Militia.

The Governor, however, pressed by a more immediate exigency, made no attempt to carry this order into execution. The provincial militia, in obedience to the injunctions of the Assembly, were making vigorous preparations to oppose the regular troops; and as any further forbearance on the part of the Government would have been imbecile affectation, Gage began to take measures for seizing the militia stores. He sent a small detachment to take possession of some guns at Salem, but through mismanagement or misinformation, the officer in command of the party was forced to retire without effecting his object. A larger and better appointed force was sent up the country to Concord, which it was understood had been made a depôt for military and naval stores by the agents of the Assembly. Precautions were taken to keep this expedition secret; but surrounded as the Government was by open or disguised enemies, all its movements were known. The troops were sent up the river St. Charles at night, and marched at day-break; but they had not advanced far, when it became evident that the country was already alarmed; and at a place called Lexington, only fifteen miles from Boston, they came up with a body of militia apparently on parade. These men were ordered

to lay down their arms and disperse. Instead of obeying, they retired behind walls and houses, from which positions they fired upon the King's troops. The detachment pushed on to Concord, and having captured some stores, hastily retired towards Boston, harassed at every step by the American marksmen, who hung upon the flank and rear. Few of them, probably, would have reached the capital, had they not been joined at Lexington by the other division. Of the whole force, amounting to eighteen hundred men, nearly three hundred were killed and wounded. while the loss of the insurgents, as the provincial levies must henceforth be called, was under a hundred.

The British troops worsted.

Although Gage's troops had in this affair evinced the pertinacity and fortitude which distinguish British soldiers, and had even partially succeeded in performing the particular service upon which they had been detached, the expedition to Concord was vaunted by the Colonists as a discomfiture of the British arms. The immediate effect was to diminish that deference for the military predominance of the mother country which had hitherto deterred the provinces from proceeding to extremities. In a few days, Boston was invested by a provincial army of twenty thousand men.

The Colonists emboldened.

While the Colonists were making active preparations for war, and after the conflict had begun, the American question afforded fitting materials

Party spirit in England.

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for party strife and the display of eloquence in the imperial parliament. Lord Chatham introduced a bill for the settlement of the dispute. The minister moved a string of conciliatory propositions. Mr. Burke moved rival resolutions. These motions severally gave rise to acrimonious and lengthened debates. Burke introduced his scheme, with one of those philosophical and eloquent dissertations which are read with admiration, but were listened to with apathy. Fox denounced the Government in declamations which carried away the audience, but which will not bear perusal. Chatham alone, recommended the policy of a statesman, in a speech which combined the better part of oratory with an elevation and force of style, far surpassing the great contemporaries of his youth or later age.

I shall presently review these several propositions: those of the minister were of course adopted by Parliament; but it was idle at this juncture, to devise any means of amicable accommodation. When the vote of the British Parliament arrived in America, the battle of Lexington had been fought, and many of the colonies were in open revolt.

Propositions to the Assembly of Pennsylvania.

The British propositions were, in the first instance, laid before the Assembly of Pennsylvania; a colony in which the Society of Friends predominated, and one, therefore, favourable to pacific counsels; she had taken no active part in the demonstration against them other

country, and though she had sent representatives to the Congress in Philadelphia, her delegates attached themselves to the party which opposed extreme measures. The Governor himself, the respected descendant, and bearing the name of the honored founder of the colony, recommended the overtures of the parent state to the favorable consideration of the Assembly, expressing his own opinion in favor of their candour, justice, and moderation. The house, however, resolved unanimously that they were engaged in a common cause with the other colonies, and that they could not separately entertain propositions in which they had only a partial interest. The other provinces concurred in these views, and the propositions were, therefore, referred to the General Congress. This determination was tantamount to a refusal of any terms, as it was well-known the British Government would not treat with a body unknown to the law.

Congress at Philadelphia.

The General Congress re-assembled at Philadelphia on the 10th of May, and at once assumed the functions of sovereignty. They declared that the provinces which they represented should thenceforth be styled the United Colonies of America, and required all persons to abjure the British Government, and swear allegiance to the Congress themselves. Decrees were passed for raising an army, and for the issue of a provisional paper currency, upon the credit of the new State. By other resolutions, all dealings with the civil

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or military agents of Great Britain were prohibited, and to enforce the co-operation of those colonies which might hesitate, the importation of provisions into any fishery, colony, island, or place, which should refuse to obey the orders of Congress, was absolutely interdicted.

Arrival of reinforcements.

The arrival of military reinforcements from England, contemporaneously with the promulgation of these decrees, forced the American people to the immediate alternative of rebellion or submission. In the face of ten thousand disciplined British soldiers, landed for the purpose of asserting the king's authority, and led by officers of high reputation, the question which had been agitated for ten years, was at length reduced to the infallible arbitration of the sword.

Gen. Gage proclaims martial law.

The relief of Boston was of course the first operation to be undertaken. On the arrival of his reinforcement, Gage proclaimed martial law; but offered an amnesty to all (with the exception of Samuel Adams and John Hancock), who should lay down their arms.

The reply to this, the last proclamation by an English governor of the province of Massachusetts, was a military movement of great importance on the part of the insurgents. Boston and Charlestown are situated nearly opposite to each other, on the right and left banks respectively of the river Charles; and in the centre of the peninsula upon which Charlestown is built, rises an eminence, from the summit of which the whole of

town of Boston can be commanded within the range of cannon-shot. This rising ground is known by the name of Bunker's-hill. Ch. 19. — 1774

The importance of such a position was obvious; but as an attempt to occupy it by either side must precipitate an engagement which would probably be critical, if not decisive in its character, both the royalists and the Americans refrained at first from a movement in that direction. Gage, with his limited force, would hardly have been justified in taking such a hazardous step; and the insurgents were unwilling to quit their lines. But the arrival of the British reinforcement under General Howe, materially altered the position of the royalists; and as it was probable that the first effort of the combined army would be to take possession of Bunker's-hill, the Americans determined to anticipate this movement. On the night of the sixteenth of June, a large body of the provincial troops took possession of the hill, and before daybreak they had defended the position by a formidable intrenchment and redoubt. When the returning dawn disclosed what had taken place, a cannonade was opened by a sloop of war which lay in the river, and by a small battery on the Boston side. In a few hours two thousand British troops had landed at Charlestown, and this force having been formed in two lines, under Generals Howe and Pigott, advanced under cover of artillery to assault the position. The left

Bunker's Hill.

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division on entering Charlestown were galled by the sharpshooters from the houses, which the British set on fire; and the town, being built of wood, was soon burned to the ground. The Americans sustained the cannonade for several hours with firmness, and waited until the attacking columns had advanced to within a few yards of their works. They then opened such a close and well-directed fire of musketry, that the British were twice repulsed; but being rallied and reinforced by General Clinton, who seeing that the attack was likely to fail, had pushed across the river with his brigade, the position was carried at the point of the bayonet, and the Americans fled in disorder.

Great loss of the British.

This affair made it sufficiently manifest that the king's troops had not to disperse an undisciplined rabble, but to encounter a militia which had already acquired to a considerable degree the steadiness of regular soldiers, and which were led by officers not unskilled in the art of war. The loss of the British in the battle of Bunker's-hill, exceeded a thousand killed and wounded, nearly half the force engaged; while the Americans, fighting behind their intrenchments until nearly the close of the day, suffered in a much smaller proportion. Altogether, though the result of this, the first engagement, was the defeat of the insurgents, yet the victory was dearly bought; and the enemy, so far from being dispirited, derived confidence from a struggle which, but

for the opportune arrival of Clinton's brigade, would probably have terminated in their favor. The American force which had been repulsed from Charlestown, were suffered to fall back upon the line of the rebel army without molestation; and, in a few days, Boston was again threatened by new works, planned with remarkable engineering skill, and executed with promptitude and regularity.

Military organisation.

The Congress, in pursuance of the sovereign authority which they had assumed, proceeded to organise a general military force, which should be the army of the United Colonies. This army recruited by compulsion, and placed under regular military law, was to be placed under the command of a General-in-Chief; and the person selected to fill this all-important office was, by a singularly happy choice, the fittest person in the Union.

I have already had occasion to mention the name of Washington — by common consent one of the most illustrious that has adorned any age or country of the world. The American general was a native, and a considerable landholder, of the province of Virginia, in the legislative assembly of which he had long possessed a leading influence, acquired not by eloquence nor loud professions of patriotism — for the one he did not possess, and the other he despised — but by integrity, prudence, and aptitude for affairs. Though unwilling to provoke a conflict with Great Britain, he was determined to maintain what he considered

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the just claims of his country; and when he found that there was no probability of obtaining the concession of those claims by reasoning and remonstrance, he was prepared to advise his countrymen to take up arms.

Experience of Washington.

The military experience of Washington was necessarily limited. He had, however, seen some active service in his youth, in the early stages of the French war, and held the rank of colonel in the local militia. But the talents of a general are less dependent on education and experience, than those of any other profession. They have been displayed in perfection by youths who have never heard a shot fired, and by men of middle age, whose former lives have been spent in civil employments or pacific leisure. Good sense, readiness, and decision, are qualities of far more importance than regimental knowledge, or even the experience of campaigns, for the government of armies and their conduct in the field. Still the duties which Washington would have to discharge were as various and difficult, and the responsibility imposed upon him was as grave as any which the boldest and ablest leaders of mankind had ever undertaken. He had to contend against the wealth, the power, and the pride of England, incensed at the presumption of her dependencies; his army would be composed of raw recruits and of militia, to whom regular service and the harassing routine of a soldier's duty were unknown. He would have to meet

battalions trained in the best discipline of European warfare, on whose standards were inscribed the names of famous battle-fields won by their prowess. Ch. 19. 1774

But the military difficulties were only half, and perhaps the less formidable half, of the difficulties which he must surmount. All probability was against the maintenance of a union hastily cemented between provinces widely separated, thinly spread over a vast continent, having hitherto held—many of them at least—little or no intercourse with each other, and differing in manners, religion, and race. Nothing could be more likely than that jealousy or indifference to the common cause, would be the offspring of a protracted struggle. Any great military reverse would be hazardous to the Union. Even after Bunker's Hill, many of the militia-men returned to their homes, and stringent measures were taken to prevent others from deserting their colours. But it was, perhaps, from the Congress itself, that the greatest danger was to be apprehended. The power conferred on Washington could not be efficiently exercised, if any real control over it was retained by a popular assembly. Would the orators who had so long swayed the democracy of the provinces be content to relinquish their power to a military dictator? Might not some of the sober friends of freedom themselves be alarmed, lest they should create a too powerful benefactor to his country? Republics Embarrassment of Congress.

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have always been jealous of their great men; and it was plain, that in the event of the struggle being carried to a successful issue, the United Provinces must either adopt a democratic form of government, or allow the great commander, under whose auspices their independance had been achieved, to assume the federal crown.

These, among other considerations, must have been present to the sagacious and reflective mind of Washington, when he decided upon obeying the call of his countrymen to place himself at the head of their rebellion against Great Britain. Ambition or enthusiasm, which are the ordinary stimulants to great and perilous enterprises, had little effect upon this eminent person. Good sense and judgment governed his words and actions; and satisfied with the condition in which the better part of his life had been already passed, he unwillingly quitted a private station at the call of public duty, and cheerfully returned to it when that duty had been discharged.

Washington assumes the command.

Washington was forty-three years of age when he assumed the command of the provincial army. His family had emigrated from England during the civil troubles, and settled in Virginia upon a small estate. He himself had in early life followed the profession of a land-surveyor, but having increased his fortune by marriage, he had retired from practice, and employed himself in the cultivation of his estate, and the ordinary pursuits of a country gentleman. In this capacity, he had

acquired the esteem of his neighbours, and ultimately a lead in the affairs of the province. For some years he had been a member of the provincial assembly, and was chosen as one of its representatives at the Congress.

Address of Congress to the army.

A long address, recapitulating all the grievances of which the colonies had complained, and justifying resistance by force, was prepared by the Congress, and read to the army by Washington, on assuming his command. But the general had soon occasion to inform the Assembly that they must now employ themselves in business of more practical importance than the passing of patriotic resolutions, and the composition of inflammatory manifestoes. The greater part of the army was deficient in almost every military appointment. They had neither tents, nor clothing, nor commissariat. They were provided with neither money, ammunition, nor engineering equipments. Finally, the general complained of the laxity of their discipline, and expressed an opinion that the bulk of his army could not be depended upon in the event of an action.

Until these defects were repaired, Washington was in no condition to assume the offensive. Such at least was the unanimous opinion of his principal officers; but he himself drew a different conclusion from the same premises. Pressed by the increasing difficulty of keeping together his motley force, daily reduced by desertion, and so little animated by public spirit, that his men

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for the most part impatiently looked for the end of the year, when by the terms of their enlistment they would be at liberty to return to their homes, Washington was for hazarding a decisive action. He probably thought that the cause would suffer less by a defeat than by the desertion of the army, and there was always the chance of success. But the council of war, though they could not be prevailed upon to sanction a general assault on Boston, as proposed by the Commander-in-Chief, approved of a demonstration being made for the purpose of drawing the enemy from his defences, and offering him battle. Accordingly, a height was seized close to Charlestown Neck, but Gage was content with dislodging the Americans by a cannonade from Bunker's Hill. Yet the British Commander had strong inducements to accept the challenge given him. Weak as he must have known the rebel lines to be, they had proved sufficient to stop his foraging parties, and his garrison had already begun to experience privation. Recent experience should also have satisfied him, that however formidable the American sharp-shooters might be behind intrenchments, they could not stand against the British bayonet. His force was now almost equal to that of the insurgents; the spies and deserters who came into the British camp had reported the scarcity of ammunition; a fact which might have been inferred from the long cessation of gunnery in the American lines; and still more

conclusively from the failure of the force which took possession of the hill above Charlestown, to reply to the battery from Bunker's Hill. It is difficult to understand what were the reasons which outweighed considerations so palpable. But though a brave and zealous officer, Gage was wanting in decision and military talent. Had he fought on this occasion, he would probably have been victorious; and a signal defeat inflicted on the provincial militia before they had acquired confidence or military organization, would possibly have terminated the war.

While both armies were thus suffering alike from inaction at Massachusetts, the war broke out in a quarter where it was least expected, and where it assumed a new complexion.

Invasion of Canada.

When the patriotic party in America were preparing for the conflict with Great Britain, they sought by every means in their power to attach the important province of Canada to their cause. Congress had repeatedly issued addresses to the people of this newly-constituted British Colony, had endeavoured to awaken them to a sense of their wrongs, and openly solicited their co-operation. But the old French population had no interest or feeling in common with the Americans. Content with the uninterrupted enjoyment of their property and homes under British protection; wholly devoid of the commercial spirit; and incapable of comprehending the high principles of liberty, asserted by the descendants of

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men who had taken part in the battle of civil and religious freedom in the country from which they sprung, the French Canadians had no disposition to exchange British rule for the alliance of the Colonial insurgents. The English settlers in Canada, the first generation of whom still existed, had brought with them the prejudices of the old country, which regarded the native Colonists as an inferior and subject class. The Americans, therefore, received no encouragement from either of the European races thinly scattered through the Canadas. But while the revolutionary leaders were looking wistfully in this direction, two adventurers came forward, and by a prompt and daring movement, obtained a formidable footing in this, the most important dependency of the Crown. One of these men was Benedick Arnold — a name which afterwards became famous, and ultimately infamous. Arnold was a man of desperate fortunes; at one time he had followed the business of a druggist; at another he had been an itinerant horse dealer; and when the war broke out, he obtained from the Massachusetts Assembly a commission to raise a regiment for service in Canada. Having collected about four hundred men, he marched for Ticonderoga, a fort which, with the corresponding one called Crown Point, I have already described[a] as commanding the great maritime communica-

[a] Vol. i. p. 40.

tion between New York and Canada. Another adventurer, named Ethan Allen, from a wild district adjacent to, and claimed as part of, their territory by the province of New York, but now known as the State of Vermont, had already assembled about eighty marauders for the same enterprize. Allen and Arnold met at the entrance to Lake Champlain, and after a dispute about military rank and precedence, Allen insisting on his prior claim, Arnold consented to serve under him as a volunteer. The expedition was completely successful. Ticonderoga was garrisoned only by a company of soldiers; and the commandant was surprised in bed, and compelled to surrender. The sister fort of Crown Point was wholly unprotected, and a sloop of war, the only remaining defence of this important position, was likewise seized without resistance.

Congress sends forces to Canada.

The Congress had now to determine whether they would adopt this daring act, and avail themselves of the military advantages which it opened, or abide by the profession which they had hitherto maintained, that their armed resistance to the unjust laws by which the provinces were oppressed, was consistent with their allegiance to the British Crown, and their union with the parent State. But if the Congress adopted the act of Allen and Arnold, there was an end of this pretence; they committed an act of independence, and if they could not be treated as rebels and pirates, they became invaders of the

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territory of Great Britain. The Congress, which had been led into this absurdity by the affectation of following the precedent of the Long Parliament, were now wise enough to see that it was useless and embarrassing. They followed the example of regular governments, in justifying violence and rapine by pretexts as flimsy as they were false. In sending a force to Canada, they made a show of disguising the character of the proceeding, by asserting that the Governor of Canada meditated an invasion of the United Provinces.

Difficulties of Gen. Carleton.

General Carleton, who commanded in Canada, so far from being in a condition to act against the provinces, was unable to defend the seat of his government, after the successful exploit of Allen and Arnold. The governor had in fact already made two mistakes. Like the other military men of the day, he had treated with contempt the idea of American hostility; and he had over-estimated the loyalty of the people whom he ruled. He had not only refused any military succour for the defence of the province, but he had offered to assist Gage in case of need, with a force which he believed he could levy in Canada for that purpose; and on the faith of this representation, he had been supplied with arms and muniments of war, the greater part of which had been stored in the fort of Ticonderoga. So far, however, were the Canadian people from being animated by the public spirit for which Carleton

had given them credit, that they positively refused when called upon, to take any part in the conflict between Great Britain and her American colonies. They declared that they had no concern in this quarrel; that their sense of duty was confined to local obedience, and the defence of the province, if actually invaded. Even the Indians when appealed to, politely excused themselves from taking either side in a dispute between Englishmen, for all of whom they entertained the highest regard. Thus when he heard that the posts at Champlain were in possession of the enemy, Carleton could muster only a hundred European troops, and a few hundred militia and Indians. With this scanty force he hastened to the relief of St. John's, the frontier fort, already threatened by three thousand Americans, under General Montgomery. But he was intercepted in his attempt to land by a detachment which had just captured an outlying fort called Chamblée, about five miles from St. John's; and finding it impossible to effect a landing, he fell back upon Montreal. Major Preston, who commanded at St. John's, being thus disappointed in the succours which he had expected from the governor, was forced to capitulate.

Gen. Carleton flies to Quebec

Carleton consequently abandoned Montreal, and hurried to Quebec, which he reached with difficulty, a disguised and solitary fugitive. Having left a garrison at St. John's, Montgomery followed Carleton with the main body of his army

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to Quebec, while Arnold, with a detachment, sought to penetrate by a shorter route, through lakes, rivers, and forests. After surmounting various difficulties and dangers in his march, this enterprising and able officer appeared before Quebec, and emulating the example of Wolfe, he attempted to take it in a similar manner. But though he reached the heights of Abraham, he found farther progress impracticable, and retired below the town to wait the arrival of the arrival of Montgomery. His junction with Montgomery was effected towards the close of the year, and it is said[b] that Quebec might have been seized, had not the zeal and ability of the generals been frustrated by the misconduct of the officers. A simultaneous assault on the several entrances to the town was planned, but the arrangement was disconcerted, in the first instance, by a mistake in giving the signal, and its failure was completed by negligence or disobedience of orders. The assailants were repulsed with great loss, and Montgomery himself, one of the few accomplished officers on either side who appeared throughout the struggle, lost his life in this disastrous enterprize.

Successful defence of the city.

Had the attack planned by Montgomery and Arnold been executed with military precision and boldness, Canada would probably have become a member of the United States. But happily this

[b] WASHINGTON IRVING'S *Life of Washington.*

noble possession of the British Crown, which had been won by the policy of Chatham and the valour of Wolfe, was not to be wrested by a band of buccaneers, from soldiers who had successfully contended with Montcalm and his gallant army. General Carleton had taken a distinguished part in the capture of Quebec, twenty years before; and had been the friend, as well as the trusted officer of his illustrious chief. Carleton gave ample proof that he was worthy of such confidence, and on this occasion, especially, that he knew how to keep what Wolfe had won. The American commanders had planned a simultaneous attack upon the many points of defence which the works of Quebec presented, with the view of distracting the British general, and dissipating his scanty garrison. But the able veteran supplied by vigilance and promptitude what he wanted in strength. Not only was the attack repulsed on all points, but by a well-timed sally, a signal chastisement was inflicted on the insolent aggressors. After the failure of the attack on Quebec, many of the Americans went home, and of those who remained, the greater part were dispirited and reluctant. Arnold, nevertheless, still remained before Quebec, and said he had converted the siege into a blockade; but the blockade was merely nominal.

Position of General Washington.

Washington received this intelligence with deep concern. He had hoped from the promising commencement of the expedition, that the campaign

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in Canada might compensate for the want of any important operation in Massachusetts. But he now saw that the prospect of a diversion on the St. Lawrence was desperate; nor was his own position hopeful. At the commencement of the year, the mercenary troops having fulfilled their engagement, insisted on being paid off; the militia could, with difficulty, be induced to supply their place for a few days even, while a new enlistment was in progress. In January, 1776, Washington had not ten thousand men under his command.

But though, in point of military force and equipment, the Americans were in no condition to maintain a conflict with Great Britain, yet the rapid spread of the insurrection rendered the subjugation of the colonies a formidable task. The principal northern provinces had summarily rejected the military propositions of the British Government and declared for the Congress. The great southern state of Virginia, once the most loyal of the British dependencies, rose against the Governor, Lord Dunmore, and forced him to retreat on board a man-of-war. North and South Carolina followed the example of Virginia, and expelled the English governors. At the commencement of the year 1776, England had no other possession in the continental states of America, than that of which she retained military occupation.

CHAPTER XX.

DISSOLUTION OF PARLIAMENT — AMERICAN AFFAIRS — CONCILIATORY PROPOSITIONS—PETITION OF CONGRESS —EMPLOYMENT OF MERCENARIES—SUCCESSFUL DEFENCE OF CANADA.

A NEW parliament was elected in the autumn of 1774; but the action of the constituency, cramped and fettered as it was, produced no material change in the constitution of the House of Commons. In some populous places the Court candidates were defeated; but there was no expression of opinion throughout the country adverse to the colonial war. The debates in parliament during the sessions 1775—6, related almost exclusively to American affairs. The Opposition still consistently denied the right of Great Britain to tax the colonies, and urged the expediency of conciliatory measures. The ministry on the other side maintained the authority of parliament, and argued, that to relinquish the right of fiscal legislation would be to concede all that the Americans asked, and virtually to recognise their independence. There is no difference of opinion

Right to tax the colonies.

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now as to the wisdom and justice of the counsels recommended by the Whigs; but the government were supported by the parliament and the nation, as decidedly as they were by the king. No sooner had the colonists asserted their liberties, than the people of this country expressed the strongest resentment at their presumption; and they rushed to the foot of the throne with addresses breathing the utmost contempt for those principles on which their own liberties were based.

Petitions from London and Bristol.

The cities of London and Bristol, whose commercial interests were deeply involved in the maintenance of friendly relations with the American colonies, petitioned for conciliatory measures. The City as usual, willing to take any opportunity of annoying the Court, came forward with an address, justifying the resistance of the Americans on the principles of the English constitution; and reiterating their annual demand for the dismissal of ministers. The King, impatient of the periodical insult to which he was subjected by the greatest corporation in the country, and especially reluctant to afford a personal triumph to Wilkes, who was now Lord Mayor, refused to receive the address on the throne, but desired that it should be presented at the levee, where the addresses of the unprivileged bodies were usually received. This refusal was loudly resented as an indignity, and a denial of an undoubted privilege. But the King was technically right. The privilege claimed by and conceded to the citizens

from time immemorial belonged to them only in their corporate capacity; and this address purported to come from the Livery of London, who could not maintain any such pretension. The claim was, therefore, withdrawn, and a more moderate address having been framed with due formality, was presented in accordance with ancient usage, and received a gracious reply, instead of the angry retort which civic insolence had on former occasions provoked from the throne.

Chatham's plan of pacification rejected.

It will be sufficient to enumerate the several proceedings in Parliament, relative to American affairs, during the sessions of 1775-6. Early in the former year, Chatham, whose counsels were always marked by decision, strongly urged the expediency of withdrawing the troops from Boston, as a preliminary to an amicable settlement. This proposal having been negatived, was followed by a plan of pacification which Chatham had drawn up in concert with Franklin. It was offered to Parliament in the shape of a bill, the preamble of which, after asserting the dependency of the Colonies upon the Crown of Great Britain, and the supremacy of the Imperial Parliament, contained the terms upon which the Whig party had often proposed to settle the question. The right of the Crown to maintain troops in any part of the British dominions, with the consent of Parliament alone, was declared to be a part of the prerogative expressly recognised by the Declaration

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of Right; but this unequivocal assertion of the law was accompanied by the qualification that no military force could be lawfully employed to violate or destroy the just rights of the people. The exclusive right of taxation was conceded to the provincial assemblies. A general congress of provincial delegates was to assemble, for the purpose of determining the mode in which the supremacy of parliament should be duly recognised; and to assess the proportions which the different colonies should contribute towards the payment of the national debt, which had been incurred in great part, for the defence of the colonies. By the other provisions, redress was given for specific grievances. The Admiralty Courts were restrained within their former limits. Trial by jury, in civil cases, was restored; and the change of venue, in capital cases, was declared unlawful. The colonial judges, like the judges of England, were to hold their offices during good behaviour, and the colonial charters were declared to be inviolable, except for some legal ground of forfeiture. Finally, the Boston Port Act, with the whole of the penal legislation of the preceding session, which had reference to the American colonies, was to be suspended, and to expire on the day that the supreme legislative authority of parliament was recognised by the general congress.

This scheme, had it been proposed by its great author, as minister of the Crown, and promptly

accepted by parliament and the country, might, even at the eleventh hour, and for the time at least, have dissolved the formidable league which was just about to vindicate American freedom by the sword. But as such conditions were impracticable, the rejection of a measure so wise and magnanimous, was calculated only to exasperate the quarrel, and to precipitate the crisis. The language of the opponents of the bill was full of insolence, and was intended to defeat all hope of an amicable adjustment.[a]

Debate on the Address.

The debate on the address a few days afterwards, displayed a still further departure from

[a] "To hear so many of these hereditary legislators," says Franklin, who heard the debate, "declaring so vehemently against, not the adopting merely, but even the consideration of a proposal so important in its nature, offered by a person of so weighty a character, one of the first statesmen of the age, who had taken up this country when in the lowest despondency, and conducted it to victory and glory, through a war with two of the mightiest kingdoms in Europe; to hear them censuring his plan not only for their own misunderstandings of what was in it, but for their imaginations of what was not in it, which they would not give themselves an opportunity of rectifying by a second reading; to perceive the total ignorance of the subject in some, the prejudice and passion of others, and the wilful perversion of plain truth in several of the ministers; and upon the whole to see it so ignominiously rejected by so great a majority, and so hastily too, in breach of all decency and prudent regard to the character and dignity of their body, as a third part of the national legislature, gave me an exceeding mean opinion of their abilities, and made their claim of sovereignty over three millions of virtuous sensible people in America, seem the greatest of absurdities, since they appeared to have scarce discretion enough to govern a herd of swine."—*Works of Franklin*, vol. v. p. 54.

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the moderation and forbearance which a question of so much delicacy required. Lord Mansfield came forward with all the authority and eloquence which belonged to his station, his character, and talents, to flatter the domineering, uncompromising spirit which prevailed in parliament and throughout the country. Lord Camden, on the other hand, brought equal authority in support of the Americans; and with no less rashness, laboured to justify every step they had taken. Lord Lyttelton ventured to tell the ex-chancellor that his arguments savoured of professional subtlety and low cunning; and Lord Shelburne gave the Chief Justice of England the lie. On a subsequent day, when American affairs were again the subject of discussion, Lord Sandwich, the minister, who, next to Lord North himself, had the greatest amount of parliamentary influence and official experience, took occasion to speak of the Americans in terms of the utmost defiance and contempt. Other speakers on the ministerial side, especially those lords who belonged to the Bedford connection, the most odious of all the factions which infested parliament, followed in the same strain, reflecting on the religion, honesty, intelligence and courage of the colonists; alluding to them as a people who hardly belonged to the same species as the British nation, and whose boasted cause was only a pretext to evade payment of their just debts. This language was uttered before, and no doubt prompted by,

the presence of America's most distinguished citizen, who stood at the bar listening, with unmoved countenance, but with deep resentment.[b] Ch. 20. 1775

By such language were the colonists to be prepared for the calm consideration of those terms of accommodation, which the government had determined to propose to the insurgent provinces. The proposition was in these terms:—'That when the governor, council, and assembly, or general court of any of his Majesty's provinces or colonies shall propose to make provision for contributing their proportion to the common defence, to be raised under the authority of the general court or general assembly, and disposable by parliament, and shall engage to make provision also for the support of the civil government and administration of justice, it will be proper, if such proposal be approved by his Majesty in parliament, and for so long as such provision shall be made accordingly, to forbear in respect of such province or colony, to levy any duty, tax, or assessment, except for the regulation of commerce, the net produce of which shall be carried to the account of such province, colony, or plantation.'

The terms unsatisfactory.

Such terms as these, however, could hardly have been entertained, even at the commencement of the differences, and before any acrimonious feeling had been engendered. What the Americans had from the beginning contended for, was

[b] FRANKLIN'S *Works*. *Negotiations in London*. Vol. 5.

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the broad English principle of self-taxation; and it is plain that if such a claim were admissible at all, it must be conceded absolutely and without qualification. Their liability to contribute towards the cost of national defences had not been denied by the provincials, up to the time of the Declaration of Independance. But still following parliamentary analogy, they claimed the exclusive right of determining the amount of such contribution, and the ways and means by which it should be raised. Lord North's proposal left the question substantially unaltered. The obnoxious right of taxation was retained, the exercise of it being only postponed until the colony should have refused or neglected to make such a provision as parliament might approve. The claim of parliament to exclusive taxation in matters relating to commerce, which the colonies had in the first instance conceded, but had afterwards questioned, was expressly reserved. The only real concession offered was the secondary one, that the tax when levied should be carried to a separate account, and not be paid into the English exchequer. It is worthy of remark, that even this measure, though wholly inadequate to the exigency which had arisen, was recommended to the favour of the House by one of the ministers who took part in the debate, on the ground that it was no new proposition, but was the same which Grenville had made to the colonies the year before he introduced the Stamp Act. Such, however, was the

temper of the House, that a proposal which none of the colonies would for a moment entertain, was regarded as too indulgent, and, after considerable opposition, was at length agreed to with reluctance.

Burke's resolutions.

But the great parliamentary display of the session was the motion of thirteen conciliatory resolutions by Burke, whose speech on that occasion has redeemed from oblivion this last of many efforts to avert the impending dismemberment of the empire. The resolutions differed but little from the provisions of the bill introduced by Lord Chatham; they were never seriously considered, and only afforded an opportunity for a splendid dissertation on the history of the colonial controversy. Oratory is for the most part composed of perishable materials; but this great performance has survived the excitement of the day, and will enable future ages to appreciate the genius of its author, when the fame of his great contemporaries rests only on tradition.

The real policy of parliament was not to be found in these various overtures towards a reconciliation with the colonies. Measures of retaliation and coercion were far more agreeable to the temper of the English people and the Government. While Lord North could, with difficulty, induce the House of Commons, where his authority was all but supreme, to make some small advances towards the colonists, a bill which he introduced for restraining their trade, and a vote for increasing the forces both by sea and land, met with a ready assent.

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The Americans, on their side, were not wanting in professions and demonstrations not less hollow and delusive than those projects of reconciliation with which the British parliament had been amused. After having promulgated addresses of an inflammatory character to the people of Great Britain, Ireland, Canada and Jamaica; after having levied war against their Sovereign, and shed the blood of his soldiers, the Congress thought it worth while to approach the Throne with a petition, couched in language of temperate and dutiful remonstrance. This proceeding was promoted by a party which had been opposed to extreme measures of redress, and still clung to the hope of maintaining the connection with the parent state. During the autumn of 1775, Congress was agitated with many anxious debates on this momentous subject. The democratic designs of the New England provinces had proved highly distasteful to the other colonies; and the determined energy of the republican leaders prevailed only by narrow majorities. The distress occasioned by the non-importation agreements, aggravated as it would be by the retaliating measure recently passed by the British parliament; the difficulty of keeping the army together, and of furnishing it with ammunition, together with the expectation of powerful reinforcements to the royal cause — all these grave considerations shook the firmness of many a patriot. Even such men as Patrick Henry of

Virginia, and John Hancock of Massachusetts, wavered. The suggestion of resorting to foreign aid was, at first, repelled with horror and alarm;[c] but it soon became apparent that this idea, however repugnant to those who still retained some feeling for the land of their fathers, must be seriously entertained.

Petition of Congress.

The petition to which reference has been made, was drawn up by Mr. Dickenson, the celebrated author of the *Farmer's Letters*, and the leader of the moderate party in congress. It was presented by Mr. Penn, a gentleman whose honorable descent, great estate, and high character entitled his mission to the highest respect and consideration; but the document of which he was the bearer, proceeding as it did from a body which had already assumed the functions of sovereign power, could not properly be received; and an intimation to that effect was therefore made by the Secretary of State. The Lords, however, who had advocated a soothing policy towards the colonists, unwilling that an overture which had been made in good faith should appear to be met by a contemptuous rejection, called Mr. Penn to the bar, and invited him to explain the objects

[c] One of the delegates from Georgia said: "There are persons in America who wish to break off from Great Britain; a proposal has been made to apply to France and Spain. I must consult my constituents on this point. I apprehend the man who should propose it, would be torn to pieces, like De Witt."—*Debates of Congress*, Adams's *Diary*, 6th October, 1775.

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and wishes of his constituents. Penn accordingly declared, in firm but decent language, that the Congress, enjoying the full confidence of the associated colonies, were determined to resist by force the recent legislation of parliament, and the imposition of taxes without consent of the local representatives. He believed that his countrymen were still willing, if measures of redress were offered, to return to their allegiance; but if the satisfaction to which they considered themselves entitled was still withheld, they would form connexions with foreign powers, which would essentially alter their position. He added, that the reception which their former petitions had met with was discouraging, and that their last hope of effecting an amicable arrangement rested upon the *olive branch* of which he was the bearer.

Duke of Richmond's resolution.

Upon this statement, the Duke of Richmond proposed, and Lord Shelburne seconded, a resolution, 'that the petition was a ground for conciliation of the unhappy differences between Great Britain and America.' An angry debate as usual succeeded, and the motion was negatived by a large majority. Another attempt was made by Burke, during the autumnal session of 1775, to settle the colonial question; but as the Crown was absolute master of the House of Commons, no conciliatory proposition which could be framed had the slightest chance of success; and the only effect of agitating the question in parliament was,

on the one side, to provoke invectives against the Americans, which exasperated the quarrel; and on the other, an extravagant vindication of their proceedings, which encouraged them to persevere. After the summary rejection of the terms which Lord North had sent out to the colonies in the spring, the government abandoned farther negotiation, and prepared for active measures of repression. Before Christmas, Lord North brought in a bill to prohibit commercial and other intercourse with the insurgent colonies, as in the case of a country with which England was at war. Some important changes in the administration took place. The Duke of Grafton, who had long hesitated between a conciliatory and coercive policy with regard to the colonies, now shrunk from the responsibility of decisive action, and resigned the privy seal. His place was filled by Lord Dartmouth, a friend and faithful servant of the King. General Conway, always weak and irresolute, took the opportunity when the post became most arduous, to resign his office of Secretary of State for the northern department, which at that time included the administration of the colonies and war. His successor was a man of a very different stamp. Twenty years before, Lord George Sackville had been ignominiously dismissed the army for want of courage, decision, and conduct in the field; now he was selected as the person most fitted by courage, vigour, and ability, for the direction of civil affairs in their

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utmost emergency. Nor was it disputed by candid observers, that this eminent person, recovering from a disgrace sufficient to crush any man, had since displayed in a remarkable manner those very qualities in which he had appeared so fatally deficient on one memorable occasion. The public who knew little or nothing of Lord George Germaine[d] beyond the one dark passage in his life, loudly censured this appointment to which they rashly attributed the disaster which afterwards befell the British arms. The other changes in the administration were indicative of hostility to the Americans. Lord Weymouth, one of the ablest of the Bedford party, resumed the office which he had held a few years previously; and Lord Lyttelton, who had lately distinguished himself by the violence of his denunciation against the rebellious colonists, was added to the cabinet council. The first step taken by the newly-organized administration, was one which infused a fresh spirit of animosity into this unhappy civil war. Troops were hired from the Landgrave of Hesse, and other petty German princes, who had been employed as military jobmasters by England during the seven years' war. The colonists bitterly complained, and not without cause, that the parent country should attempt to chastise her rebellious children by such instruments as these; and even

[d] He had taken this name on succeeding to an estate, which had been bequeathed to him by his aunt, Lady Betty Germaine.

continental despots censured the employment of foreign mercenaries upon such a service.

Lord Dunmore's imprudent proceedings.

The intemperate conduct of Lord Dunmore, the fugitive Governor of Virginia, about the same time, served to inflame public indignation throughout the Southern Colonies. After some hasty measures, followed by a precipitate retreat from his government, this nobleman proclaimed martial law, and offered freedom to all negroes the property of rebels. The most fearful consequences might have been apprehended from a sudden emancipation of the black people; but, happily, the persons to whom this proclamation was addressed, regarding Lord Dunmore as having no longer the power to perform his promises or to execute his threats, paid but little attention to it. A few hundreds only joined his standard. The force thus assembled, though wholly insufficient to recover or maintain the province, enabled Dunmore to inflict wanton injury. After having been worsted in an encounter with the provincials, he set fire to the flourishing sea-port town of Norfolk, and hastened with a ship-load of followers to join the main army under General Howe.

Alienation of the Southern States.

These wanton and vindictive proceedings on the part of a man who had for many years been honoured and respected as the representative of their sovereign, and who assuredly had no commission to confiscate and destroy the property of the Colonists, went far to alienate the Southern provinces from British connection, and to advance

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the common cause. But when it became known throughout America that their liberties were to be suppressed by means of foreign mercenaries, hired for the purpose from paltry princes, who eked out a wretched state of sovereignty by trading in the blood of their subjects, the indignation of the people knew no bounds; even to this day, enlightened Americans who can discuss in a calm and candid spirit the great transactions of the last century, allude to this insulting measure in terms of abhorrence and disgust.[e]

But painful as such a proceeding must have been to the Colonists, who upon the analogy of 1642, affected to stand upon the untenable position of resisting the King's troops without denying his sovereignty, the British Government were not without justification in the step which they had taken. The employment of mercenaries was in accordance with numerous precedents. Nor is there any distinction, as regards all lawful means of warfare, between civil war and hostilities against a foreign enemy. It was never pretended that the Dutch soldiers, who accompanied the Prince of Orange in 1688, landed on English ground for any other purpose than to assist the people in obtaining their liberties; and if Feversham and his English army had offered battle, the Hollander would have fought by the side of one Englishman against another in a quarrel

[e] *North American Review*, July, 1892.

purely English. The Prince of Orange and his gallant countrymen were not, indeed, hirelings, but as far as the argument is concerned, that is a collateral point of no value. They had no concern in the quarrel between James the Second and his people; and whether they aided one side or the other as friendly auxiliaries, or as mere mercenaries, their interference was open to the same remark. It was certainly not from any desire to infuse unnecessary bitterness into this unhappy strife, that the English Government had recourse to the services of the Duke of Brunswick, the Landgrave of Hesse Cassel, and the Count of Hanau, but from the necessity of the case. The whole amount of English troops available for service in America during 1776 did not exceed 25,000 effective men of all arms, a force hardly adequate for the main operations in Massachusetts, and which made no provision for a campaign in Canada, or for the detached services which such a warfare would require. The enlistment of regular troops under the voluntary system, which the constitutional jealousy of a standing army would alone permit, had never supplied a sufficient complement for the purposes of war. The great increase of trade and commerce had rendered recruiting still more difficult. The standard had been lowered and the bounty had been raised, yet men were still wanting; and such was the exigency, that the Minister, in laying the army estimates before the House of Commons,

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acknowledged that he had sanctioned the somewhat questionable measure of admitting Irish Catholics into the ranks of the army.[f] Without the aid of foreign mercenaries, then, it would have been hardly possible to provide for the necessary demands of the war; so well informed were the foreign dealers upon this point, that they raised their demands to an exorbitant pitch; and the Government was forced to submit to the hard terms which they imposed. A bounty of nearly seven pounds ten shillings per man, two months' pay in advance, and an annual subsidy of 64,500 crowns, equivalent to £15,519 sterling, while the troops were in service and in the pay of England, with double that amount for two years after their engagement should expire, were the terms exacted by the Duke of Brunswick. Bargains somewhat less rigorous were concluded with the other princes. Such treaties were disgraceful only to one of the high contracting parties; and affected the honour of the other no more than those engagements with spies and traitors, which are sometimes contracted for the ends of public justice and the common weal.

Congress issue Letters of Marque

The Government having once determined to suppress the American insurrection, there could be no doubt that the time had arrived for the employment of all measures which were justifiable by the supreme necessity of war. The German

[f] *Parliamentary History*, vol. xviii. p. 871.

treaties were not concluded until February, 1776. Three months before that date, the Congress had cast aside the flimsy pretence of confining their resistance to the Ministerial army, as they affected to style the King's troops, and had issued letters of marque, and made provision for the erection of prize-courts[g] — acts, which by the law of nations necessarily implied the assertion of sovereign power. The long controversy between the Colonies and Great Britain had at length arrived at an intelligible issue; and that issue was to be decided by the sword.

The history of the American Revolution is not included in the scope and design of this work. That history, whether forming a complete narrative in itself, or as part of the history of the United States, is related in every variety of detail by native as well as English writers. It will be sufficient for me, therefore, to trace a general outline of events, upon which no English writer can dwell with pride or satisfaction.

The first campaign had redounded as much to the credit of the Americans as to that of the British army, but had closed under circumstances more favourable, in a military sense, to the latter. Washington's force, as we have seen, was reduced to ten thousand men; recruiting was as difficulty in America as in England; and the Congress had not the foreign resources of which the British

The first campaign.

[g] *Remembrancer*, 25th November, 1775.

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Government had availed itself. The men, when obtained, enlisted only as militia, and accordingly quitted their standards at the time when, by training and discipline, they were becoming fit to keep the field before regular soldiers. The supply of ammunition was scanty and precarious. No military advantage had been gained; the expedition to Canada had failed; and though the lines of Massachusetts had not been attacked, Boston was still in possession of the British General, whose communications were open to the sea, and who was in a position at any moment to assume the offensive.

Boston menaced.

Finding that the English army remained inactive, Washington by a daring manœuvre took possession of the heights of Dorchester, which enabled him to menace the port, as well as the town of Boston. This achievement precipitated the execution of a design which had been long meditated by the British General, with the approbation of the Home Government. After an ineffectual attempt to dislodge the Americans from the formidable position which they had taken up, Howe determined to evacuate Boston, and fix his head-quarters at New York, a place which from the facility of communication with England which it afforded, and the less hostile disposition of the inhabitants, presented a more favourable base of operations than any other spot which could be selected. The embarkation was effected without any molestation from the enemy, and on the 17th

of March, the last British soldier quitted the shores of New England.

The abandonment of Boston by the British was claimed by the Americans, and not without reason, as an important triumph of their arms; for however true that the measure had been contemplated immediately after the affair of Bunker's Hill, and was recommended by sound military policy, still the circumstances under which it was effected, gave the movement the character of a retreat. Had General Gage broken up from Boston in the preceding summer, and established his head-quarters at New York, the presence of his army might have caused an important diversion of opinion in a province already wavering in its adhesion to the policy of Congress.

The letter of General Washington, announcing the evacuation of Boston, was received by Congress with great exultation. Their Address of Thanks was so framed, as to imply that the besieged town had been a conquest effected by their arms; and they ordered a gold medal to be struck 'in commemoration of this great event,' and presented to the victorious General.[a]

Howe, with the whole of his army, and about a thousand inhabitants of Boston who desired to accompany him, set sail for Halifax, where he intended to wait the arrival of his reinforcements, before he attempted to take possession of New

[a] *Remembrancer*, March 25, 1776.

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York. Besides this main enterprize, he proposed to detach a portion of his army to the support of Carleton, in Canada, and to send an expedition against the southern provinces, Virginia and the Carolinas.

War in Canada.

There was no part of their military operations to which Congress attached more importance than the prosecution of the war in Canada. The British Government, on the other hand, had taken prompt measures for the relief of Quebec; the transports were despatched as early in the spring as they could enter the St. Lawrence; and no sooner had they made their appearance, than Arnold prepared to raise the siege. This able officer had remained before the city all the winter, ready to avail himself of every opportunity, and making several attempts, which were all baffled by the skill and vigilance of Carleton. With his small force, reduced by privation and disease, to less than a thousand strong, Arnold was wholly unable to maintain its position, and he hastily retreated, leaving behind him all his artillery, stores and baggage. In their retreat, they attempted to force the British post at Three Rivers, between Quebec and Montreal, but they were repulsed with great loss, and their General Thomson was taken prisoner. The British were equally successful in some smaller affairs, and the invaders, defeated at all points, were finally expelled from Canada, after a campaign of five weeks.

The British attempts on the southern provinces, having been ill planned, resulted in failure. The province of New York was now regarded by both sides, as the ground upon which the decisive struggle for American freedom was about to take place. And this struggle was to be inaugurated by a solemn assertion of American rights, on the part of that great Assembly, which represented the thirteen associated provinces.

Reverence for the mother country.

During the ten years that the colonies had contested their rights with the parent state, they had carefully disclaimed any idea of casting off their dependence upon the British Crown; and it seems certain that the great majority of the colonists who resisted the Stamp Act, and the other arbitrary measures of Great Britain had not, until recently, considered the question of severance as the alternative of a refusal by the English Government to concede their just demands. Their connection with this country, so far from being considered by the colonists, as a diminution of their importance, was regarded with pride and satisfaction, as giving them a right to the English name, so feared and honored throughout the world. In every particular, they were studious to preserve the memory of their British descent. They imitated the institutions and manners of the old country. Many of their provinces derived their names from English kings and queens; and their cities, towns and villages, were called after the cities, towns and villages of Old England.

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They identified themselves with the glory of the nation from which they sprung; they valued the protection of her flag; they freely contributed to the maintenance of her power; and they were only pained and indignant that she should wrest from them by force, that which they were so willing to give her. Such, however, were not the sentiments of all the colonies. The four New England provinces had, from the commencement of the contest, shown disaffection towards British rule; and in Boston especially, a small, but able and energetic party, were determined to provoke a quarrel with England, and thus ultimately realize the proud boast of American independence. Nor were their views limited to independence; they aimed likewise at that democratic form of government which their forefathers had missed.

Galloway's proposal to Congress.

When the Congress assembled in 1774, great jealousy was manifested of the 'levelling spirit' which had been disclosed by the New England provinces; and had not the distinguished delegates from those provinces prudently abstained from taking a lead in the debates, or propounding their advanced views, it is probable that moderate and conciliatory counsels would have prevailed at that important session. A proposal by Galloway, of Pennsylvania, a known loyalist, to effect a compromise of the question by a joint council for purposes of taxation, was eagerly received; and though the plan was impracticable and absurd, it was negatived only by a single

vote.[c] A resolution which implied any assertion of independence, would certainly have been rejected as utterly extravagant and mischievous by the Congress of 1774. In their address to the people of Great Britain in that year, they had used these expressions, 'You have been told that we are seditious, impatient of government, and desirous of independency. *Be assured that these are not facts, but calumnies*'.[d] So late as October in the same year, Washington himself, and his sincerity will be hardly doubted, used expressions to the same effect. Nearly all the leading men in the colonies up to this time were of opinion, that the representations which had been made to the English government would result in measures of redress, and a settlement of the dispute upon fair and honorable terms.[e]

Prevalence of democracy.

Subsequent events effected a rapid change of feeling. The contempt shewn to their petition by the King and his Government, the coldness with which their appeal to the generous sympathy of the English people was received, the insolence with which they were treated in Parliament[f]—all these circumstances made it apparent that they

[c] ADAMS' *Diary*.

[d] Letter to Captain M'Kenzie, a military officer in the King's service at Boston. *Correspondence*.

[e] ELLIOTT'S *New England History*, vol. ii. p. 381.

[f] 'A little before I left London, being at the House of Lords during a debate in which Lord Camden spoke, I was much disgusted from the Ministerial side by many base reflections on American courage, religion, understanding, etc., in which we

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had nothing to hope from the justice and moderation of Great Britain. The events of 1775 made the breach irreparable; and at the commencement of 1776, sober, cautious and loyal men were prepared to assent to the republican doctrines, which were received with avidity throughout the provinces.[g]

The able and energetic men who had been from the first the leaders of the American Revolution, now assumed their proper place at the head of the movement; and in the spring of 1776, it was thought the time had arrived for the formal recognition of an event which had virtually been consummated, when General Washington received his commission from a body assuming to exercise sovereign authority on behalf of the United Provinces.

Establishment of provisional governments.

On the 15th of May, the provinces were prepared for the important measure which was in contemplation, by a vote of Congress, recommending the various Assemblies to abjure their allegiance to the Crown of Great Britain, and to establish provisional governments. Many of the Assemblies hesitated to respond to this appeal; and in some of the Colonies a reactionary

were treated with the utmost contempt as the lowest of mankind, and almost of a different species from the English of Britain.'—FRANKLIN, *Negotiations in London.*

[g] THOMAS PAINE'S pamphlet, *Common Sense*, in which the new doctrines of Liberty and Equality were broadly taught, was published in America in January, 1776, and had an immense circulation.

movement took place. The situation was critical. The entire failure of the expedition to Canada became known. Military preparations on a large scale were reported to be on foot in England. Commissioners with plenipotentiary powers were daily expected. The prospect of a satisfactory settlement seemed more promising than ever, while the danger of defying the power of Great Britain was imminent. Any hesitation on the part of Congress at this moment would have been fatal to the American cause; and the bold, sagacious men, who had always, directly or indirectly, influenced the action of that assembly, determined at once to take the decisive, irrevocable step.

Debate on Lee's motion.

On the 7th of June, Lee, one of the delegates from Virginia, which had already pronounced for separation, moved a resolution, that America be declared independent. The question was debated for several days; but the principal speakers on either side were John Adams of Boston, and John Dickinson of Pennsylvania. The former supported the proposition with all the eloquence and argumentative power for which he was distinguished. Dickinson contended, on the other side, that it was not expedient to declare open war against England until they had secured some foreign alliance. When the question was put to the vote, six Colonies were one way and six the other. The thirteenth Colony, Pennsylvania, which had the casting vote, was neutralized by the equal division of its delegates; but when the

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question was put again, Dickinson, after having been the most prominent opponent of the motion, finding that the decision rested with him, withdrew with Morris, one of his colleagues, who had previously voted with him, and thus the scale was turned in favour of Independence.

Declaration of Independence.

A committee was appointed to draw up the Declaration. Adams, Franklin and Jefferson were principally concerned in the preparation of this famous manifesto. It begins by asserting abstract propositions of civil government, copied substantially from the Declaration of the Assembly of Virginia, which had been compiled from Paine's formula of the *Rights of Man*. It then proceeds to enumerate the several acts of the King of Great Britain, by which it was alleged that the people of the United States were absolved from their allegiance. This preamble, which was drawn out to a great length, terminates by declaring the Colonies FREE AND INDEPENDENT STATES, with all the powers which belong to a sovereign people.

There is little to admire in the composition of this famous paper. In style, it was more like a party pamphlet than the dignified assertion of their rights by a great and injured people. All the grievances which are recited as justifying the renunciation of allegiance to the British Crown, are laid to the personal charge of the King, as if he had been an absolute monarch, solely responsible for the acts of Parliament and the Adminis-

tration. Many of these charges are so vague as to admit of no definite answer. Some of them are absolutely false; others are perversions of the truth; and the rest are more or less exaggerated. Judicial accuracy, however, is not to be expected in a paper of this description. A people who have determined to cast off the authority of their rulers, or a government which seeks to invade the rights of an independent people, are bound to state a strong case in their justification; and when the sword is to determine the argument, veracity, precision and logic are minor considerations. The grievances of which the Americans complained were sufficient to justify resistance, if they were able successfully to resist. The restraints upon their commerce, imposed by the mother country, were in accordance with the mercantile law of Europe, as it was then understood, and as it is still practised by many considerable States. The doctrine of free trade was wholly inconsistent with the relation between a a Colony and the parent State; the assertion of such a principle would have been virtually an assertion of independence, and was, therefore, never advanced until the last moment. The question of taxation was little more than the screen for the real grievance which could not be avowed, the restraint upon their enterprise, and the obstruction to their prosperity, caused by the narrow and selfish principle of the mercantile system, which made the commerce of a

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Colony subservient to the markets of the parent State. The right of taxation by the Imperial Parliament for imperial purposes had never been disputed before the passing of the Stamp Act, and was expressly reserved in some of the provincial charters. The new Customs' regulations which put an end to their lucrative trade was, as I have already endeavoured to shew,[h] the real cause of discontent; and had it not been for this obnoxious and ruinous enforcement of a law, the validity of which was indisputable, the Stamp Act would have been accepted in America with as much facility as it was enacted in London.

The capital grievances were reducible to these two: of the other complaints, those that were founded in fact, or that afforded any just ground of resentment, resulted from the angry controversy to which the former had given rise. The frequent dissolution of the refractory Assemblies; the repeated refusal of the royal assent to colonial laws; the irregular trials of persons charged with political offences; and, finally, the alleged cruelties with which the war had been prosecuted, were points of detail which might have been adjusted, or matters of aggravation for which recompense could have been made. But the original and the real question was one which admitted of no terms of accommodation.

The Declaration was immediately promulgated

[h] Vol. i. chap. 5.

throughout the newly-constituted Union, and was everywhere received with popular applause. There were, however, no such demonstrations as might have been expected upon an event of such magnitude. Probably it was felt by the more reflecting portion of the people, that their freedom as yet existed only on paper; and that they looked with anxiety, if not alarm, to that impending struggle which was really to determine their fate.

Washington at New York.

Vigorous preparations were made on both sides; but all the efforts of the Americans fell far short of the resources of Great Britain. After the evacuation of Boston, Washington had fixed his head-quarters at New York, there to await the expected attack of the British General. His army counted twenty-seven thousand men; but a fourth of them were on the sick-list; and deducting those who were on detachment, and inefficient from want of proper arms, the American force was hardly twelve thousand strong. Washington was well aware that his situation was one of extreme peril; but while expecting the worst, his confidence remained unshaken. General Howe had moved from Halifax to Staten Island, there to await the arrival of his brother, Admiral Lord Howe, with the fleet and military reinforcements. The Admiral joined his brother a few days before the Declaration of Independence. He was himself at the head of a powerful fleet, and the succours which he brought from England increased the army under General Howe to thirty thousand men.

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Lord Howe's letter to Franklin.

Before proceeding to hostilities, the brothers opened their pacific commission. Early in the year, several interviews had taken place in London between Lord Howe and Franklin, with the view of arranging terms of accommodation, but without leading to any satisfactory result. This communication, however, having produced friendly feelings between the English nobleman and the American patriot, Lord Howe, as soon as he had entered the American waters, despatched a private letter to Franklin, bespeaking his good offices. To this letter, which did not reach its destination until after the Declaration of Independence, Franklin promptly replied in terms which, though personally courteous, unequivocally expressed the writer's belief that his correspondent's powers were wholly inapplicable to the existing state of affairs; that the Americans, so far from being prepared to listen to offers of pardon and partial concessions, were more likely to demand reparation for the injuries which had been inflicted upon them in the assertion of their just rights; and that any negotiation between England and the States must be placed on the footing of a treaty between two independent powers. Before he had received Franklin's reply, Lord Howe had addressed himself to Washington; but the American Commander refused to receive any communication which did not recognize his military and official rank. Howe then issued a proclamation, offering pardon and protection to

any colony or place which would return to its allegiance, together with a vague promise of redress. The Congress, to shew their contempt for this proclamation, affected to give it publicity, and accompanied it with some prefatory comments, shewing that it was devoid of any spirit of conciliation, and that the people could place no reliance on the justice or moderation of the King of Great Britain. The consequence was, that no response whatever appears to have been made from any quarter to Lord Howe's invitation.

Intrenchment of Brooklyn.

It was now August, and no more time could be wasted in fruitless negotiation. The main body of Washington's army was at New York, under his immediate command; but a strong detachment, estimated by the British at ten thousand men, had intrenched the town of Brooklyn, at the western extremity of Long Island, nearly opposite to and separated from New York by a channel called the East River, about three quarters of a mile in breadth. It was necessary, therefore, to force this position before making the grand attack. Howe sent over a division of his army under General Clinton and Lord Cornwallis; the forces on both sides were supposed to be about equal. On the 27th August, after some skirmishing on the three preceding days, the British advanced; the Americans came out to meet them, and, for the first time, the two nations met in the open field. The conflict was soon determined in favour

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of the old country and disciplined valour. The Virginians acquitted themselves creditably; but the raw militia from the Northern States gave way, and the Americans fled in confusion, leaving upwards of three thousand killed, wounded, and prisoners, including their three generals of division.[i] The British pursued them to their intrenchments, but they were stopped by order of General Howe, who, together with Washington, had hastened to the ground soon after the commencement of the action. Had not Howe restrained his troops when flushed with victory and in hot pursuit of their flying foe, it is probable that the intrenchments would have been carried, and thus a signal and complete defeat would have been inflicted. But the English commander, confident that the remnant of the force

[i] Washington's estimate of the loss on both sides was grossly incorrect. In his letter to Congress of 30th August, giving a very meagre and evasive account of the action, he says that his loss in killed and prisoners was from 700 to 1000; and that he had reason to believe the enemy had suffered still more. This would seem to be a wilful misrepresentation to prevent the public alarm which might have been caused by the knowledge of his real loss; were it not that in a private letter to his brother, three weeks afterwards, he makes a similar statement. General Howe's returns of *prisoners* and of his own killed and wounded are precise. The former were 1094, the latter 346. Howe computes that upwards of 2000 of the enemy were killed, wounded, and drowned. Washington returns the names of two only of his generals as prisoners, Sullivan and Stirling. But three generals of division were taken, Sullivan, Stirling, and Woodhall.—WASHINGTON'S *Correspondence* and *London Gazette*.

in Long Island must surrender to him at discretion, declined the opportunity of striking a decisive blow. Washington lost not a moment in profiting by this error. Finding that the lines of Brooklyn were not attacked, he determined on retreating to New York. A fog favoured his design; and thus, in the face of the enemy, he was enabled to bring off the whole of his detachment in safety, with their stores, baggage, and some of their artillery.

Pacific overtures renewed.

Lord Howe, considered this a favourable moment for attempting to renew his pacific overtures; and General Sullivan, one of the prisoners taken at Brooklyn, consented to be the bearer of a message to Congress, proposing that certain members of that body should be deputed to meet Lord Howe, not in their official capacity, which he could not recognise, but as American gentlemen representing the opinions of their countrymen, and willing to concert with him such terms of pacification as might be acceptable to both parties.

The Congress, though they were at that time in receipt of a most desponding letter from Washington,[k] showed little disposition to meet this advance; and there were not wanting insinuations that Sullivan, who was a highly honourable man, should not have carried such a message.[l] The moderate party, however, who were all but a

[k] *Letter to President of Congress*, September 2, 1776.

[l] *Autobiography of John Adams.*

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Vice-Admiral Lord Howe, the senior flag-officer on the American station, and joint commissioner with his brother, the commander of the forces, for arranging terms of pacification with the colonies, was already a person of distinction. His life had been chiefly passed in the active service of his profession; and he had displayed on many occasions the courage and conduct which qualify an officer for supreme command. His professional zeal was the more honourable, as accident had given him early in his career both wealth and station. He had succeeded, when thirty-four years of age, his gallant brother, who was killed at Ticonderoga in the last war. On obtaining his flag, he availed himself of an interval of active employment to enter the House of Commons, in which, being an Irish peer, he was qualified to sit. In Parliament he applied himself chiefly to questions which concerned the navy, and was

soon appointed a member of the Board of Admiralty. Apart from his professional eminence, few men were higher esteemed than Lord Howe for integrity, independence, judgment, and knowledge of affairs; and his reputation continued to acquire fresh lustre, until it shone forth in full effulgence on that glorious first of June (1794), when the aspiring genius of Young France was reminded that England, though humbled and reduced, had not yet relinquished the sovereignty of the seas.

American delegates.

The delegates who were deputed by Congress to meet the British Commissioners, were persons of high provincial eminence, and one of them enjoyed a European reputation. Whatever difference of opinion may prevail as to Franklin's patriotism, candour and good faith, his fame, as a man of science and letters, rests on an indisputable foundation. He was well known in England, where he had passed many years of his life, and he was on terms of personal friendship and correspondence with many of the most eminent persons in this country and in France. With Lord Howe, he had recently held many conversations on American affairs; and the subject had been discussed with the frankness and good understanding which became men of sense and temper. Franklin plainly stated the terms upon which his countrymen would be willing to settle the dispute, and Howe had stated as plainly that such terms were inadmissible. John Adams, the second

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commissioner, had been, with his cousin Samuel, and the merchant Handcock, owner of the Liberty sloop, among the earliest promoters of the Revolution. Handcock was now President of the Congress, in which Adams had the preceding year moved the appointment of Washington to the command of the continental army, and only a few weeks previously seconded the Declaration of Independence. Adams afterwards became ambassador of the United States of America at the Court of St. James's, and closed his eventful career as President of the Republic. Rutledge, one of the representatives of South Carolina, was distinguished among the orators in Congress, and had acquired a considerable influence in that assembly; but, like his coadjutors, he had been an early opponent of British connection.

Adam has left an account of this remarkable interview, and of the spirit with which it was approached.[m] The circumstances were such as might have made men of more than ordinary firmness shrink from the responsibility of maintaining the extreme measures which, up to this time, they had counselled and conducted. The arms of the new-born state had sustained a signal reverse; and the probability was urgent, that the resumption of hostilities, which must immediately follow an abrupt termination of the conference, would result in the annihilation and dispersion of the

[m] *Autobiography.* Works, vol. iii. p. 80.

American army. In such an event, the prospect of rallying or reuniting the patriot ranks was almost hopeless. The last despatch which had been received by Congress before the departure of the commissioners, was a letter from the general, describing the demoralised condition of the army, the want of military spirit, the desertion of the militia and the instability of those who remained. The commissioners themselves, in their way from Philadelphia to Staten Island, where the conference was to take place, had observed the unsoldierlike and undisciplined condition of the troops. They had contrasted these miserable stragglers with the imposing line of British guards and grenadiers, drawn up to receive them at the quarters of Lord Howe. They saw the fifty-gun frigates at anchor, the bombs which were to carry destruction into their defenceless ports, the small craft and transports without dismay; and seeing all this, they entered the presence of the British commissioner as if they were about to listen to terms from a discomfited and desponding foe.

Reception of Franklin.

Lord Howe received the American delegates with every demonstration of good will. Having greeted Franklin with the cordiality of a friend, he turned towards Adams, and expressed his regret that he could not receive his visitors at present in the capacity of members of Congress. To this, the stiff-necked republican hastily replied, that his lordship might receive him in any cha-

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racter he pleased except that of a British subject. Lord Howe, though for the moment disconcerted at such an unmannerly retort, endeavoured to give the conversation a conciliatory turn, by alluding to the monument which the province of Massachusetts had erected to the memory of his brother, who fell at Ticonderoga in the last war. He expressed in feeling and manly terms his sense of the compliment thus paid to his family, declaring that so much had America engaged his gratitude and affection, that he should lament her fall like the loss of a relative. 'My lord, we will do our utmost to save you that mortification,' answered Franklin, with a sneer. Howe could not quite disguise his pain, and possibly disgust; but he only returned, 'I suppose you will endeavour to give us employment in Europe.' To this observation no answer was made. After an introduction so unpromising, there was little encouragement to enter on the business of the meeting. Lord Howe offered an amnesty, a full consideration of grievances, and a promise that the Acts of Parliament which had given offence should be repealed.

Rejection of Lord Howe's proposals.

These terms were immediately rejected. The preliminary condition was inadmissible; the Declaration of Independence having been promulgated, the Congress had no power to treat on any other basis than the recognition of that act. The commissioners and the delegates, therefore, took leave of each other; and the only effect of

this attempt at negotiation was to dissipate the hopes of accommodation which had still been retained, and to convince all Americans, that the time had arrived when they must choose between unqualified allegiance to the British Crown, or the independence of their country.

Military operations.

Meanwhile, military operations had not been suspended on either side. The first question which Washington had to determine, after he had effected the junction of the beaten and dispirited detachment of Long Island with the main army, was that of retreat. The defence of New York, in the face of a powerful fleet and army, appeared hopeless; on the other hand, the possession of it would enable the enemy not only to command the sea-board, but to threaten the provinces of Connecticut and Pennsylvania; while the junction of Carleton by the passage of the Hudson which might be expected, would give them the command of the Southern States. The British fleet was rapidly surrounding the island, and if they should succeed in intercepting his communication with the continent, Washington would be forced to stake the whole fortune of the war on a general action. He resolved, therefore, upon evacuating the city, and retiring to the northern extremity of the island, from which, if pressed, he could fall back upon the main land.

Washington moves to Kingsbridge.

On the 14th of September, Washington transferred his head-quarters to Kingsbridge, close

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to the narrow channel which separated the island on the north from the main continent. On the following day, the British men-of-war began to cannonade the town from the Hudson, and two divisions of the army having landed at different points, marched to the attack. At their approach the Americans fled, nor could the presence of Washington himself arrest the panic; though in his desperate efforts to rally the terrified fugitives, the General himself was nearly taken prisoner. Finding it useless to make further resistance, Washington fell back upon a strong position in advance of Kingsbridge, and the same day the British army took undisputed possession of the city of New York.

New York captured.

The English were welcomed with demonstrations of joy by the inhabitants, the greater part of whom were loyalists, or Tories as they were called, and had endured many indignities and hardships during the occupation of the motley undisciplined bands which constituted the American army. The expediency of burning the town on leaving it, had been strongly urged in Washington's council of war, and was so obviously recommended on military considerations, that it would probably have been carried into effect, had not Congress, with an overweening confidence in the fortune of the new republic, believed that their army would soon be able to retake the place, and for that reason issued orders that it should be spared. A few days after the British troops had taken

possession of New York, the city was fired in several places, and a great part of it was consumed. The incendiaries were probably stragglers from the American lines; but it is certain that the act was done without the knowledge or countenance of Washington. Ch. 20. 1776.

The deplorable state of the army, and the utter impossibility of keeping the field, or conducting any important operations with a militia which was disbanded every year, had been repeatedly represented to Congress by Washington and other generals. But the lawyers and traders of whom that assembly was composed, thought they were better judges of such matters than the General-in-chief and his colleagues in command; and had it not been for the loss of New York, would probably have gone on declaiming against the danger to liberty of standing armies, while the British troops overran their provinces, and re-established the authority of George the Third. But the misconduct and utter inefficiency of the constitutional force having been proved by fatal experience, the Congress, alarmed at the imminent danger, at length gave their sanction to a plan for raising a body of regulars, which Washington had urged. They voted eighty-eight battalions for service during the war, and they offered a liberal bounty on enlistment. State of the American army.

At the pressing instance of John Adams,[m] the

[m] *Autobiography.* ADAMS' *Works*, vol. iii.

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President of the War Committee, they also, though not without great hesitation and reluctance, adopted a measure without which an army is an undisciplined mob, dangerous only to its employers. They enacted a code of military law, upon the model of the Articles of War which govern the British service. Still they did what they could to mar the efficiency of the establishment so created, by reserving to the several provincial states the appointment of the regimental officers to their respective contingents. The result of an arrangement so wholly at variance with any principle of military organization was, that persons totally unfit for their duties were appointed through local and political intrigue.

Many months, however, elapsed before any step was taken by Congress towards the completion of this scheme; and in the meantime Washington had to maintain a position which was daily becoming more critical, with troops upon whom little reliance could be placed, either in the camp or in the field.

Inactivity of Gen. Howe.

General Howe remained inactive nearly a month after the capture of New York. Washington profited by this interval to render his position more secure. At length the approach of winter rendered it necessary for the British to make some movement. The Americans, encamped on the heights of Haarlem, were not likely to offer battle by descending into the open plains; and it was only by menacing their communications with the

main land, that they could be forced to an engagement. Howe having conveyed a large body of troops through a dangerous navigation, landed them at a small island close to the main land, and in the rear of the Americans. An attempt was made to dislodge him, but the Americans, though repulsed, were enabled to retreat upon their lines in good order. The English general, as usual, neglecting, or only half profiting by his opportunities, made no attempt to dislodge the enemy from his intrenchments, but preferred the minor but not unimportant enterprise of attacking Fort Washington, which contained a garrison of three thousand men. The place was taken by storm, after a stout resistance, and the whole garrison, with a large quantity of military stores, fell into the hands of the British. Ch. 20. 1776.

Washington was compelled by this disaster to abandon his position, and he continued in full retreat, which must have terminated in an utter rout, had Cornwallis, instead of hanging upon his rear, pushed on in vigorous pursuit. The American army having thus been suffered to cross the Delaware, at length halted in the Pennsylvanian territory. The season was now too far advanced for farther operations, and the Royal army were distributed in winter quarters, along an extended line of eighty miles from the Delaware to the Hakensack. Before this took place an accident happened to which great importance was attached on both sides. This was the capture of General Washington retreats.

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Lee, the second in command to Washington. This officer having held a commission in the British army, and seen some active service, had a higher reputation than any of the American generals, some of whom were brought from civil pursuits, and some from mechanical occupations. Lee was a man of education and ability, but of a rude, wayward, self-willed disposition, which rendered his talents almost impracticable. His arrival at head-quarters had been anxiously expected, and his reception at New York was such as to flatter the idea which he willingly entertained, that under his direction the blunders of former incapable commanders would be speedily rectified. He began by thwarting, disobeying, and ridiculing the plans of his superior in command. Washington, who appears to have had a good opinion of Lee's military judgment, bore with his humours, and flattered his vanity. His capture was owing to a wilful and perverse negligence of ordinary precaution. He chose to go out unattended on a reconnoitring expedition, and was surprised by a party of cavalry. Considerable difficulty arose as to the exchange of a prisoner of such distinction. Lee was the only officer in the American army of whom the English spoke in any other terms than those of contempt; and they were, therefore, very unwilling to restore him to the service of the rebels. It was alleged that having been a British officer, although he had regularly resigned his commission before he

joined the American army, he was to be considered as a deserter; and it was not until Washington declared that the treatment of English prisoners in his hands should be regulated by the treatment of Lee, that the latter was recognised as a prisoner of war and ultimately exchanged upon the usual terms.

Trenton taken by surprise.

The campaign of 1776, seemed likely to close without any farther movement on either side, when an opportunity presented itself of which such advantage was taken as to change the fortune of the war. A chain of posts, of which the town of Trenton was the centre, extended along the side of the river, nearly opposite to the head-quarters of Washington. By a remarkable supineness, this position, the nearest to the enemy, was left in charge of the German mercenaries, and the ordinary precaution of throwing up outworks had been altogether neglected. Washington determined to send a strong detachment across the river at night, and surprise Trenton.[n] With the

[n] It is stated by Lord Stanhope, following Adolphus, that the attack on Trenton was planned by Arnold; but this statement appears to have no other foundation than the fact that Arnold arrived at head-quarters a week before the attack was made. It appears, however, from a letter to Governor Trumball, dated the 14th December, some days before Arnold's appearance, that Washington had meditated such an attempt for some time. The general who had planned and executed the attack on Dorchester Heights, was quite capable of originating such an achievement as the capture of Trenton.—SPARKS's *Washington*, vol. iv. p. 541; LORD STANHOPE's *History of England*, vol. vi.

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valuable aid of Arnold, who had arrived at the camp a few days before, the plan was so arranged as to be completely successful. On the night of Christmas-day, two thousand four hundred Americans, with artillery, were conveyed across the Delaware, notwithstanding the ice which obstructed their passage; and, at the dawn of 26th December, this force, in two divisions, under a driving storm of snow and hail, advanced upon Trenton. The outposts were quickly driven in; and, though the garrison was immediately alarmed, so rapid were the movements of the enemy, that, after a short resistance, and after their commander had been mortally wounded, the Germans, with their officers, to the number of nine hundred, laid down their arms. This brilliant exploit was achieved, on the part of the Americans, with the loss of only two men.

Hessian prisoners sent to Philadelphia.

As no strictly military result could be expected from an enterprize, which was undertaken with the view of animating his troops, dispirited by a succession of defeats, Washington withdrew the same evening, and sent his prisoners to Philadelphia. The prowess of the Germans had been greatly dreaded; the employment of mercenaries by Great Britain was resented as one of the most cruel insults to which they had yet been subjected; while the license and rapine in which these troops had indulged, exasperated the animosity against them. The arrival of the Hessian prisoners at Philadelphia, therefore, produced a

moral effect more valuable than any mere military advantage. A few days before, the rapid advance of the British had forced the Congress to transfer the seat of Government to Baltimore, and this event had caused the deepest dejection, not only in the city but throughout the States. A reaction in favour of the British Government had made alarming progress. The temporisers, always a numerous class, had thought the time was come when it would be safe to declare themselves; the doubters were pronouncing for the Royal cause, and many who had been thoughtlessly borne along on the tide of events, desired to retrace their steps.

The affair of Trenton, followed as it was by the capture of Princeton, and the surrender of eight hundred English troops, the subsequent retirement by the Royal army from the advanced position which they had taken, and the re-occupation of the great and fertile districts of the Jerseys by the American forces, entirely changed the aspect of affairs. The campaign of 1776, which it was generally thought on both sides would close the war of Independence, and re-establish the authority of the British Crown, by a sudden change of fortune, or rather by the misconduct and sloth of the British Generals, terminated on the whole as favourably for the Americans, as any prudent calculation could expect.

CHAPTER XXI.

SESSION OF PARLIAMENT — DEBATES ON AMERICA — INCREASE OF THE CIVIL LIST — ADMISSION OF STRANGERS — SEVERITY OF THE CRIMINAL LAW. — GENERAL BURGOYNE'S EXPEDITION. — CONVENTION OF SARATOGA.

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PARLIAMENT re-assembled for the usual autumnal Session in October, a few days after the despatches announcing the battle of Brooklyn and the occupation of New York had arrived in England. These events, together with the expulsion of the rebels from Canada, formed the principal topics of the Royal Speech, and justified the hope which it expressed, that such successes would prove decisive. This intelligence had been received with satisfaction throughout the country. The bulk of the people, indeed, are always ready to applaud the success of the British arms, without much reference to the wisdom or justice of the cause in which they are engaged; but there were many of more moderate and rational views, who thought the Americans deserved to suffer for their haughty

Royal Speech.

and obstinate rejection of the conciliatory advances which had been made on the part of this country. The extreme opinions on either side chiefly found utterance in Parliament. Lord Sandwich, on the part of the Ministers, with his usual violence of language, declared that he would risk everything rather than acknowledge the independence of America. He would hazard every drop of his blood, and the last shilling of his national treasure, sooner than Britain should be set at defiance, bullied and dictated to by her ungrateful and undutiful children, her disobedient and rebellious subjects. The Duke of Grafton, on the other hand, expressed his abhorrence of the measures hitherto pursued, and meant to be adhered to, in respect of America. Lord Shelburne denied that people taking up arms in defence of their property, their privileges and inalienable rights, were rebels; and he fully vindicated the conduct of the Americans on Revolution-principles.[a] The language and conduct of the Opposition both in public and private expressed entire sympathy with the Americans. Lord Chatham thought himself justified in going the extreme length of withdrawing his son, Lord Pitt, who was on General Carleton's staff, from active service. Fox, in a letter to the head of his party, alludes to the affair of Brooklyn and the capture of New York, in language more

[a] *Parl. Hist.*, vol. xviii.

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suitable to a member of Congress than to a member of the British Parliament. He is not, he says, dismayed by the terrible news from Long Island, but maintains that if America should be at our feet — an event which he prays God to avert — she will be entitled to the terms which were recommended by the Opposition before the Declaration of Independence.[b]

Lord Cavendish's motion.

The Whigs, however, continued their protest against the American policy of the Government, in the shape of a Parliamentary motion, which could lead to no practical result. Lord John Cavendish moved for a Committee of the whole House, 'to consider of the revisal of all Acts of Parliament by which Her Majesty's subjects in America think themselves aggrieved.' A long debate ensued, and if eloquence could have prevailed, the Opposition would have obtained an easy victory. Both Fox and Burke spoke in their best manner, and were feebly answered by the Solicitor-General Wedderburn, and Lord George Germaine. But the division shewed a further diminution of the small Parliamentary support they had hitherto obtained. Upon this result, the principal members of the Rockingham party seceded from Parliament, coming down for private business, but ostentatiously withdrawing when the Orders of the day were called.[c]

[b] Fox to Lord Rockingham. *Corresp.* vol. i. p. 145.

[c] In consequence of this secession, there was great difficulty in making or keeping a House for the transaction of business.—*Public Advertiser*, 21st November, 1776.

Opposition of Fox.

The only effects of such conduct were to enable the ministers to pass their measures with more facility, and to bring some degree of ridicule and contempt upon the seceders. Fox, who had not yet joined the Rockingham connection, resumed his attendance in Parliament soon after the Christmas recess, and vigorously opposed Lord North's bill for the suspension of the *Habeas Corpus* Act, so far as regarded persons charged with high treason in North America. Chatham, also, after a long absence, caused by a return of the mysterious malady which had afflicted him ten years before, reappeared in the House of Lords, and made an American motion. He now proposed to concede all the demands of the colonists except independence. But the time was passed when a resolution so qualified, even if it had been adopted by the unanimous sense of Parliament, could have produced any effect. The Americans were determined on adhering to their assertion of independence; and the language with which Chatham recommended his last proposal was such as to justify their determination, and encourage their resistance. He repeated what he had always maintained, that the subjugation of America by arms was impracticable. 'You have been three years,' said he, 'teaching your opponents the art of war; they are apt scholars, and I will venture to affirm that the American gentry will furnish officers fit to command the troops of all the European powers. You have employed

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forces too numerous for peace, too limited for war.' Chatham, indeed, hardly disguised his opinion, that the question was already beyond the reach of compromise; and he supported his motion chiefly on the ground that it would produce unanimity at home and might cause division among those who must at length be considered as our enemies. Lord Gower, representing the Bedford party, which had always advocated arbitrary measures towards the colonists, declared that it was only a question whether France or England should possess America. The idea of America becoming free and independent was altogether visionary. Chatham's motion was ably supported by Lord Shelburne, but was rejected by a still greater majority than that which had defeated similar attempts in former sessions.

Increase of the civil list.

It became necessary for the minister, during this session, to come down to Parliament, and for the second time since the commencement of the reign, to ask for an extraordinary vote in aid of that branch of the public expenditure which was more immediately under his Majesty's control. It will be recollected, that George the Third at his accession had surrendered the hereditary revenues of the Crown, and in lieu thereof had received £800,000 a year for life. Out of this ample revenue some of the great public services were to be provided for; but after all these charges were defrayed, there was sufficient for the maintenance of the Crown in becoming

dignity and splendour. It now appeared, however, that there was a surplus expenditure, at the rate of nearly £100,000 a year. Lord North had to ask Parliament for £600,000 for the liquidation of pressing demands, and for an addition to the Civil List of £100,000 a year, to redress the difference between income and outlay. In other words, the minister proposed that the King's private revenue should be increased by about one-third. The immediate exigencies of his Majesty were, many of them, of a most humiliating character. Some of the tradesmen who supplied the palaces with common necessaries, were reduced to great straits for want of their money. Many had not been paid for years: the coal-merchant dunned in vain for his bill, amounting to six thousand pounds. The wages of the menial servants were six quarters in arrear.[d] This discreditable state of things was the almost necessary result of the vicious principle on which the civil list was based. Parliament could not demand an account of the dispensation of a fund which they had placed at the personal disposal of the sovereign; but the greater part of this fund was appropriated to public purposes, and was, therefore, to that extent, a public account. But no vouchers were produced, no audit-books were examined; and beyond certain fixed salaries of public functionaries, Parliament had no know-

[d] Lord Talbot's Speech in the House of Lords.

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ledge either of the purposes to which the vast surplus of the fund had been applied, or of the purposes for which the new grants were required. That much of the money had been spent in parliamentary corruption is more than probable; that much had been wasted or misapplied is certain. The royal establishment was a refuge for petty placemen. The household swarmed with officers for whom it was difficult to find even names. There were treasurers, comptrollers, cofferers, masters, stewards of the household; there was the whole Board of Green Cloth; there was the department of the chamber, of the great wardrobe, of the removing wardrobe, of the robes: there was the turnspit of his Majesty's kitchen, who was a member of Parliament. For the accommodation of this legion of officers, twenty-three tables were kept, or rather charged. All these functionaries drew their salaries regularly, while the King's grocers and footmen were unpaid. A sum equivalent to nearly the whole amount of debt for which Parliament was required to provide, had been expended in secret service since 1769. Of this immense sum, two hundred and eighty-five thousand pounds had been dispensed by the secretary to the Treasury. There was no room for conjecture as to the particular kind of secret service for which these payments had been made. The pension list had likewise increased to an enormous amount.

No part of this deficit was chargeable to any excess in the domestic expenditure of the Royal Family. The King's habits and those of his consort were simple and frugal in the extreme. One hundred and sixty thousand pounds a year, less than half the sum which is now considered, and properly considered, necessary to maintain the becoming splendour and hospitality of the Crown, sufficed to defray the real household expenditure of George the Third; and if none but the legitimate claims on the Civil List had been admitted, a large surplus, instead of a large deficiency, would have existed. After a moderate computation, therefore, it is manifest that upwards of a million must have been lavished for purposes which could not be avowed; and the result was, that the people of England were called upon to pay upwards of six hundred thousand pounds, and to add a hundred thousand pounds to the permanent revenue of the sovereign, in order that the Government might be removed still farther from their control, and that those institutions which had been devised for the protection of liberty in all future times should be rendered the vile instruments of irresponsible power.

Frugality of the royal household.

The debates on this scandalous subject were of an unusually animated character. The Opposition, including the Rockingham party which took this opportunity of terminating their ill-advised secession, denounced the measure in the strain of

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vehemence and exaggeration which they applied to every measure of administration, whether great or small, whether right or wrong; but like men who hoped some day to serve the Crown themselves, they refrained from touching the real point, and thereby causing irritation in a quarter where offence was neither forgotten nor forgiven. Such was the tone of Lord John Cavendish, of Burke and Fox. The only members who shewed no such prudent forbearance were Wilkes and Sawbridge. The former had nothing either to gain or lose by the favour or displeasure of the Court. Sawbridge, a coarse outspoken man, who thought that triennial parliaments were the remedy for all constitutional maladies, bluntly declared that the Civil List had been employed in corrupting both Houses by means of pensions, bribes and gratuities. This language called forth a storm of exclamations from the courtiers and King's friends behind the Treasury Bench. Several voices eagerly demanded that the words should be taken down. Burke interposed to allay the excitement, by suggesting with a touch of sarcasm, that Sawbridge only meant to imply that influence had been exercised. But the sturdy citizen adhered to his words, not without a secret sympathy and approbation on the part of the House, and no further notice was taken. The Civil List Bill, in which both Houses had doubtless a peculiar interest, was passed by large majorities. A singular incident, however, at-

Alderman Sawbridge's charge of corruption.

tended the last stage of the proceedings. When a bill for the particular service of the Crown is presented for the Royal Assent, it had been customary for the Speaker to address some dutiful and complimentary expressions to the Throne. On this occasion, the Speaker, in accordance with the precedents, made an address, but his language so far from being dutiful or complimentary, was of a very different character. Standing at the bar of the Lords, the representative of the Commons addressed his Majesty in terms such as had never before been heard in that place and presence. He said, that at a time when the country was labouring under burthens almost too heavy to be borne, the Commons had not only granted his Majesty an immediate supply for the relief of his necessities, but also a large additional revenue, far beyond former precedents, and far beyond his Majesty's expenses. The King was then admonished to make a proper use of the funds which the Commons had so liberally granted. The Speaker concluded with a set phrase which might have been considered an empty compliment, or a sarcastic allusion to the parsimony of the Court.

Rigby's accusation against the Speaker.

This language was highly resented as insolent and disloyal by the whole tribe of courtiers; but, as the statement was strictly true, and the terms employed were not positively indecent, the more prudent of the King's friends thought it better to let the matter pass without further notice. Rigby,

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however, whose coarse zeal and impudent servility could not be repressed, took occasion two days after the House had, according to the usual form, thanked the Speaker for his speech, to accuse him of grossly misrepresenting the sentiments of the House. Upon this the Speaker immediately desired that his speech and the vote of thanks should be read. Fox proposed a resolution expressly approving the conduct of the Chair; observing that it was impossible for Sir Fletcher Norton to retain his office if the House concurred in the opinion of the paymaster. To this the Speaker assented; but he went farther, and required that Fox's motion should be agreed to. A strong feeling evidently pervaded the House; and Lord North, who had witnessed with uneasiness the presumptuous effrontery of his subordinate, gave him no support. Rigby then lowered his tone, and endeavoured to evade the question by an adjournment; but the House was in no temper for a compromise, and Fox's motion was adopted *nemine contradicente*.

Motion to admit strangers to the House.

A motion was made this session to appropriate a portion of the galleries for strangers, and to admit them regularly during the debates. This proposal, however, met with little support; and, though some accommodation has been provided for strangers in later times, the House has never gone the length of sanctioning their presence by formal resolution; and, to this day, it is competent to any member to have the galleries cleared

by merely noticing the fact that strangers are present. The Standing Orders still prohibit the introduction of strangers. For many years after the Revolution, the orders were, as a general rule, enforced; but, after the Hanoverian succession, a greater laxity took place, until at length the admission of strangers was practically the rule, their exclusion the exception. From the time when the House yielded to the press the right of publishing its debates and proceedings, the privilege of sitting with closed doors was rarely exercised, and has long since been wholly discontinued.

The introduction of strangers under this irregular license caused great confusion and even interruption of business. The lobbies were so thronged with candidates for admission that members could with difficulty make their way into the House. On great days the galleries were crowded with strangers, who occupied the seats to the exclusion of members. Sometimes they mingled with the members on the floor itself; and, on very exciting occasions, they have been known to push far beyond the bar to the very centre of the House.[e] The House of Commons in those days was altogether a very disorderly assembly; and, under a weak or irresolute Speaker, the debates were often conducted in a most tumultuous manner. As an instance of the authority exercised by

[e] Temple Luttrell's Speech on introducing the Motion.—*Parl. Hist.*

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the famous speaker Onslow, it was mentioned that he would not suffer members to stand on the floor, or by the Chair talking; and that, when members transgressed his rules, he would call them to order, and desire the House to support him.[f] The violence of language and the personality which characterised the debates gave rise to offensive and indecent expressions of applause and dissent. The bad speakers were treated with a rudeness which the good nature and good breeding of a modern House of Commons would hardly tolerate. A general coughing, sneezing, hawking, spitting, blowing of noses, assailed the unfortunate member who rose at the wrong time, or who had not the art of pleasing his impatient and fastidious audience. According to a contemporary account, the House of Commons of 1777 were instantly seized with a sort of influenza on such an occasion.[g] We may justly boast of the improved decorum and civility of modern manners; nevertheless, if a past generation could retort upon posterity, a member of a parliament of George the Third, who never thought of going down to the House but in full costume, with bag, wig, and sword, would be shocked at the spectacle of honourable gentlemen lounging on the benches in round hats, and of a

[f] Rigby in the same debate.

[g] *Public Advertiser*, 27th May, 1777, on a speech of Fox's this session, with reference to Indian affairs, says there were cries of bravo and clapping of hands; but these vulgar ebullitions were, the reporter takes care to mention, 'unprecedented.' — *Parl. Hist.* xix. 283.

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cabinet minister sauntering up the floor in a shooting jacket.

A Bill for better security of dockyards.

A Bill was introduced this session to provide for the better security of dockyards from incendiary practices. This measure was suggested by alarming attempts which had been recently made to fire the royal arsenals at Portsmouth and Plymouth, together with the merchant shipping at Bristol. On the 5th of December, in the previous year, the rope-house in Portsmouth dock-yard had been burnt down, and combustibles were discovered in the hemp-house, where they had evidently been placed for an incendiary purpose. The attempt at Plymouth entirely failed, but some warehouses at Bristol were destroyed. These crimes were brought home to a young man named Aitken, commonly called John the painter, from having followed, at one time, the business of a journeyman painter. Three years before, Aitken had gone to seek his fortune in America; and, according to his own statement, had been employed by Silas Deane, a conspicuous member of Congress, and at this time engaged on a mission to France, to burn all the dockyards in England. It certainly appears difficult to understand what motive this man could have had for undertaking an enterprise of such enormity; but, if his story was true that he had been furnished with funds by the American patriot for the execution of his scheme, he could hardly have been driven to the necessity of committing petty acts of depredation for a livelihood immediately upon his arrival in England. How-

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ever this may be, it is a notorious fact that criminals, even after conviction, frequently make statements with reference to their guilt wholly unfounded; and it would be too much to brand the memory of Deane, who appears to have been a decent man, with complicity in such a crime, on the unsupported testimony of a low felon. Aitken was executed; and, if no credit is to be attached to his assertion with regard to Deane, he appears to have had no accomplice.

Arson in dock-yards. Crimes against property.

The Bill which was introduced on this occasion to make the crime of burning private and commercial docks punishable by death did not pass, and is only remarkable for an interesting discussion to which it gave rise on the state of the criminal law. Sir William Meredith, who had distinguished himself by the liberality and moderation of his opinions on various questions connected with the amendment of the law, took this opportunity of exposing the inutility of increasing capital punishments for the repression of crimes against property. At this time there were, according to Blackstone's computation, not less than one hundred and sixty offences, upon conviction of either of which the judge was bound to pronounce sentence of death. In this dreadful category are to be found, together with murder, rape, burglary, highway-robbery, such crimes as breaking down the head of a fish-pond, cutting down trees in an avenue or garden, cutting hop-binds, perjury in cases of insolvency, and some others equally frivolous.

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Severity of the penal code.

The practical operation of a code so savage and undiscriminating was, that prisoners enjoyed an impunity, which has been diminished by more mild and equal laws. Juries deliberately foreswore themselves rather than subject minor offenders to the dreadful consequences of a verdict according to the evidence. Judges lent a willing ear to technical objections wholly beside the merits, and which would now be considered utterly frivolous. Even the graver crimes of housebreaking, forgery, and coining, which were almost invariably punished with death, so far from being checked by such severity, continued to increase. Sometimes felonies of the higher class, though committed under circumstances which reduced them almost to venial offences, were treated on the same footing as the most aggravated crimes. Sir William Meredith mentioned two cases. One was that of a girl of fourteen who, at the bidding of her master, a forger, had concealed some counterfeit pieces in her clothes. She was convicted of treason, and sentenced to be burned alive; and would certainly have been executed, had not the facts been made known to Lord Weymouth, then Secretary of State, who obtained a commutation of the punishment. The other case referred to by Meredith has been frequently quoted. A young woman of nineteen had been deprived of her husband by impressment at the time when hasty preparations for naval warfare had been made in consequence of the dispute with France about the Falkland

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Islands. By this act of cruel violence, which the law of the land and state policy justified, the girl, who with her two children had been hitherto maintained by the industry of her husband, was left destitute. For a time she begged about the streets. She was then, with her infants, received into the workhouse. But, having left this miserable asylum to seek a livelihood, she was tempted by hunger to snatch a piece of coarse linen from the counter of a shop. This commodity was immediately exchanged for bread to put into the mouths of her starving babes. The offence was shoplifting. The evidence was clear; she was convicted, and sentenced to be hanged. The circumstances of the case were made known to the authorities. But, on the other hand, it was represented that tradesmen had suffered very much from this species of depredation; and, consequently, it was decided that an example must be made. Accordingly this poor creature, who had been wrongfully and cruelly deprived of her livelihood by that law which she had violated for the sole purpose of obtaining temporary relief, was dragged, a raving maniac, to the gallows, and put to death.

Dr. Dodd's case.

This was no doubt an extreme case; but it was not a case likely to attract much sympathy in that coarse and unfeeling age. The tradesmen of London would think the execution of Mary Jones was no more than a just vindication of the law, and a measure no more than necessary for

the protection of their property. And the fine ladies and gentlemen would feel much more compassion for the fate of a gentleman highwayman than for that of a workhouse girl. There was, however, another case likewise alluded to by Meredith, which at that moment excited the greatest interest in the metropolis, and, indeed, throughout the country. This was the case of Dr. Dodd; a case which can bear no comparison with that of Mary Jones, but is, nevertheless, one of great cruelty. Dodd was a man of superior talents and attainments, a dignitary of the Church, and one of His Majesty's chaplains in ordinary. He had long been followed as one of the most popular preachers in London. His manners and accomplishments had procured him ready admission into the best society; his tastes were refined, and his habits were expensive beyond his means. In an evil hour, to relieve himself from the pressure of immediate difficulty, he had placed the name of his friend and former pupil, Lord Chesterfield, to a bond for five thousand pounds. Like many other unhappy persons who have committed similar acts, Dodd deluded himself with the belief that he should be able to replace the funds which he was enabled to raise by means of this instrument, before the forgery was discovered. In this hope he was disappointed. A few days after the date of the bond, Martin, an attorney, waited upon Dodd, and informed him that the signature was not in

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the handwriting of Lord Chesterfield. Dodd at once admitted his guilt, and stated what was no doubt true, that he had fully intended to cancel the obligation by paying the stipulated sum before, or when it became due. He was asked whether he was able and willing at once to refund the money? He immediately produced cash and bankers' bills to the amount of three thousand pounds, probably the proceeds of his guilt, and offered to assign his household furniture and other property as security for the balance. These offers were accepted; Martin took away the cash and drafts, and left Dodd under the impression that the matter was settled. And so it would have been, but for the harshness of the young nobleman whose name had been abused, but who had not, and could not have sustained any pecuniary damage by Dodd's misconduct. It was Lord Chesterfield who insisted on prosecuting his former tutor. He was convicted on his admissions to Martin; and though his guilt could probably have been proved by other evidence, still his conviction on such testimony gave an appearance of great hardship to the case. In vain, however, did the unhappy prisoner urge as a ground of acquittal, that all the money had been paid or guaranteed before the prosecution was instituted. That was no answer in point of law. Many persons, however, thought that in such circumstances neither public justice nor the protection of commerce, to

which so many lives have been sacrificed, imperatively required that a prosecution should take place. A petition, signed by upwards of twenty thousand names, earnestly submitted that this was a case for the exercise of the prerogative of mercy. Great exertions were made by the former friends of the convict to procure, not a pardon, but a remission of the capital penalty. Even Dr. Johnson, who indulged in no sentimental compassion for offenders against the law, and had no personal interest in Dodd, freely gave the wretched man all the aid his pen could afford. He assisted him in his defence at the trial. He wrote his petitions to the King and the Chief Justice. He addressed a letter in his own name to Jenkinson, who was supposed to have the private ear of the Sovereign. But all was in vain. The King was willing to yield in this instance, but Lord Mansfield contended that the law should take its course. It was said, that this case could not be distinguished in any material particular from the case of the Perreaus, who had lately undergone the extreme sentence of the law for a similar forgery. But though Dodd's plea, that he had made full restitution and satisfaction to the party really injured before proceedings had been taken, was worthless in law, still it was thought a hard measure of justice that no weight should be allowed to it as a circumstance of mitigation.

The first session of 1777 closed in gloom. The

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Military disasters in America.

country was embarked in a war in which success would be neither glorious nor profitable, while defeat would be disgraceful and disastrous. The prospect of a speedy and decisive result was removed by the serious reverse our arms had sustained at the end of the last year; and though the Minister spoke of bringing the conflict to a termination in another campaign, the country derived little encouragement from a hope so faintly uttered. Meanwhile, a large addition was made to the public burdens for the support of a war which had already destroyed the colonial trade it was intended to protect. Public opinion began to take a turn, and the nation would have been well pleased if the dispute could have been settled. Parliament was wavering. Lord North and his friends had long since desired a settlement of this painful and troublesome question; but the King was inflexible, and he found hearty supporters in his war minister, Lord George Germaine, and the ministers of the Bedford party. These statesmen would listen to no other terms than unconditional submission from cowardly and ungrateful rebels. Such was their language.

Determination of Congress.

While in England, reconciliation with America was becoming a favourite topic, the Americans had finally determined that no such proposal could be entertained, except on the basis of a treaty between two independent powers. In the preceding autumn, the several States had been

engaged in framing their provincial constitutions, and making provision for local self-government, pursuant to the admonition of Congress; and the Great Central Assembly itself had already enunciated the articles of a federal union. The Congress had taken another step of great importance. Some time before the Declaration of Independence, they had opened a correspondence with France through Silas Deane, one of their members, who took up his residence in Paris. After the Declaration, they associated Franklin and Arthur Lee with Deane, in a commission regularly accredited, to negotiate treaties of alliance and commerce, between the United States and the Court of Versailles. The real object of the mission was to obtain aid from France in the prosecution of the war.

Franklin in France.

The French government, though quite willing to assist the colonists in any well-concerted plan of revolt against their common enemy, were unwilling to commit themselves to an enterprise which appeared almost hopeless. Franklin did not scruple to represent the cause of his countrymen as highly prosperous. Their army, he maintained, was well-appointed, and had obtained many signal military advantages; while the English were disorganised, and dispirited by want of success. America was invincible; she was the firm friend and ally of France, to whom she tendered the exclusive benefit of her commerce. The French court, which was furnished with regular and minute in-

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formation as to the progress of the American revolt, knew that Franklin's statements were the reverse of true, and that the cause of the colonists was almost desperate. The American envoys, however, were received with the greatest politeness; and Franklin's representations were listened to with every appearance of interest and satisfaction. The venerable philosopher was introduced at Court, not indeed in a diplomatic capacity, but as a distinguished citizen of the world; and the appearance, in that splendid circle, of the old man, attired with an affectation of republican simplicity, was eminently successful. At this period, Antiquity was at the height of fashion in Paris. Spartan manners and Roman virtue were the favorite themes in every saloon. The sumptuary laws of Lacedemonian statesmen were extolled as the height of political wisdom in the most luxurious capital of Europe, and the act of Brutus as the noblest effort of patriotism by the subjects of the Most Christian king. At this moment, the appearance of a genuine republican, of venerable aspect, upon the scene, was like a happy situation in a drama. For a time Franklin was at the height of fashion. Splendid entertainments were given in his honor; and the apostle of liberty was publicly crowned with laurel by beautiful and enthusiastic devotees.

Parisian fêtes.

For the most part, however, the Parisians were content to expend their enthusiasm in the cause of American freedom in fêtes, demonstrations,

fine speeches, and heroic verse. Some money, however, was privately advanced by the government; a few privateers were secretly fitted out; and three or four experienced officers were permitted to offer their services to Congress. The English ambassador in the meantime received abundant assurances of the friendly disposition of the French government; and, as a proof of their sincerity, a harmless *lettre de cachet* was issued to detain the Marquis de la Fayette, a young nobleman, who had volunteered in the American service. Lafayette, however, was on the frontier before the letter was issued, and he found no difficulty in making his escape. On his arrival at Philadelphia, he received a commission as major-general in the American army, being at that time only nineteen years of age. But his ample fortune, his high birth, and his connection with the Court of Versailles, made him a welcome recruit. Washington, though already encumbered with foreign military adventurers, whose preferment gave great offence to the native officers, received Lafayette with every mark of distinction, and assigned him a command, according to his rank in the army.

Washington's re-organisation of the army.

Washington, as I have before stated, had repeatedly urged upon Congress the necessity of re-organising the army; and though they had at length yielded to his importunity, so far as to sanction the embodiment of eighty-eight battalions of regular troops, no active steps had

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yet been taken to give effect to this vote. But alarmed by the rapid advance of the English army, which had forced them to transfer the seat of government from Philadelphia to Baltimore, and the approaching termination of the year, when the greater part of the militia would demand their discharge, Congress saw no choice between submission to the mercy of the British Crown, and the dangerous alternative of investing their general with plenary powers. The latter was of course adopted. From his camp on the Delaware, a week before the attack on Trenton, Washington had written to say, that his army was melting away; and that unless he was immediately armed with absolute military authority, the struggle must speedily terminate.

Increased powers of the General.

In this extreme urgency of their affairs, Congress wasted little time in deliberation. A demand which a few weeks before would probably have been peremptorily refused, if not answered by a recall, was at once complied with. The general was empowered to raise sixteen additional battalions, three thousand cavalry, three regiments of artillery, and a corps of engineers. The appointment and removal of all officers below the rank of brigadier, was placed in his hands. He was to fix the pay of the troops, to call out the militia of any of the provinces, to form magazines, to take what was necessary for the use of the army from anybody, allowing what he considered a reasonable compensation. These

arbitrary powers were limited to six months. They were voted the day after the affair at Trenton. Possibly had Congress been then aware of this important change in the fortune of the war, they might have hesitated to confer such dangerous powers on their victorious general.

Oath of allegiance.

Measures were also taken to consolidate the new government, by requiring inhabitants of the United States to take an oath of allegiance, or to retire within the protection of the British lines. This determined many persons who were hesitating, compelled time-servers to make their election, and separated friends from foes. It was of great importance also, to take advantage of the success which had lately attended the American arms, by committing the people to the support of the new order. The misconduct of the British troops, and more especially the license of the German auxiliaries, had almost entirely alienated the inhabitants of the Jerseys from the royal cause. They now came forward readily to tender their allegiance to Congress, and to aid the army of Independence.

Fresh levies raised.

No military enterprise of any importance was undertaken on either side during the winter. Washington was occupied in raising the new levies, a work of extreme difficulty among a scattered and scanty population, and in a country where every able-bodied man could obtain a livelihood. Disease, also, had, as usual, thinned his ranks far more fatally than the sword. The small

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pox had destroyed hundreds of his men; and he sought to provide against its ravages for the future by means of inoculation. Washington's head-quarters were at Morriston. Some affairs of detachments took place, but no material advantage was gained by either side. The British destroyed a quantity of stores and tents, and the Americans burnt some brigs and sloops.

Washington's position.

No important operation took place before the summer. Early in June, Washington extended his lines along a chain of hills, commanding a fertile country, with the Delaware and the Hudson in his rear. His army mustered little more than seven thousand men; but this small body was so well disposed, that the British commander, with a far superior force, finding that he could not venture upon an attack, endeavoured by a feint to draw him from his position. The manœuvre was unsuccessful; and Howe, abandoning the Jerseys altogether, fell back upon Staten Island, which had been his point of departure ten months before.

British attempt on Philadelphia.

The British General then determined to make an attempt on Philadelphia. Leaving a strong corps at New York under Sir Henry Clinton, the Commander-in-Chief sailed with fourteen thousand men to the Chesapeake; and, after a long voyage in crowded transports and in the hottest period of the year, he disembarked at the Head of the Elk, a point ten miles further distant from his destination than the position which he had

quitted in the spring; Brunswick, which had been his head-quarters all the winter, was sixty miles from Philadelphia; the distance of the Head of the Elk was seventy miles.

Policy of the movement.

It is not surprising that such eccentric movements were for some time unintelligible to Washington. That a general should countermarch an army several hundred miles to convey it by sea to nearly the same point without any apparent object, seemed incredible. But he had authentic intelligence that the British fleet had been seen off the capes of Delaware, and there could be no doubt that a descent was to be made on the coast of Pennsylvania. Washington immediately hastened to cover Philadelphia, and as his force was now so far augmented as to be equal in numbers to that of the enemy, he determined on hazarding an engagement.

Defeat of Washington at Delaware. Capture of Philadelphia.

The line of march from the head of the Elk to Philadelphia was intersected by a creek of the Delaware, and Washington made preparations for disputing the passage of this channel, which was known by the name of Brandy-wine. On the opposite side he erected batteries, and entrenched himself, a range of woods being in the rear of his position. The British came on in two divisions, one of which, under Lord Cornwallis, was detached upon a flank movement round the channel, which at a short distance from its mouth separated into two narrow streams or forks. While this movement was performed by Cornwallis,

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the other column, under General Knyphausen, charged in front. A simultaneous attack, so well planned and so ably executed, might well have prevailed against veteran troops and experienced generals; but Sullivan, who commanded against Cornwallis, had been misled by false information, was surprised; and Stirling, his second, proved incompetent for a duty which required the utmost promptitude and military skill. Assailed in front and rear, the Americans gave way; and the defeat soon became an utter rout. The loss in killed, wounded, and prisoners, was supposed to have been about thirteen hundred men, besides seven or eight guns. Washington, however, effected a retreat in good order with the portion of his army which he could keep together, and brought off the principal part of his artillery and baggage. He even attempted still to resist the progress of the enemy, but he was again outflanked, and a fortnight after the battle of Brandy-wine, Cornwallis's division took possession of the city of Philadelphia. The Congress had retired first to Lancaster, and then to York Town.

Results of the capture.

The capture of Philadelphia, had it followed promptly the capture of New York, might have crushed the insurrection; but now it was considered rather an embarrassment to the British, than a serious blow inflicted on the American cause. The delay of a year had afforded the Americans time to prepare for such an event

calmly, and to appreciate its real importance. They had no means of defending the city, and the raw, ragged levies of Washington could hardly encounter the well disciplined and well equipped battalions of Howe. The province of Pennsylvania was chiefly in the interest of the Crown; and while the possession of Philadelphia would give no great military advantage to the enemy, a large garrison would be required for its defence. The chief advantage of Philadelphia was its position on the Delaware, and the Americans, in anticipation of the event which had occurred, had taken the precaution of obstructing the navigation of the river by sinking *chevaux de frize*, and by erecting forts in and upon the banks of the channel. To reduce these forts, and to open the communication of the Delaware, General Howe had detached a portion of his army.

Battle of Germantown.

The main body of the royal army was encamped at Germantown, a long straggling village, about six miles from Philadelphia; and Washington, encouraged perhaps by the success of Trenton, quitted his intrenchments at Skippock Creek, about sixteen miles distant, and hastened by a night-march to surprise the British cantonments. The plan was well arranged and well executed; and, but for an accident, would probably have been successful. The Americans drove back the regiments in advance of the British position, and forced their way to the village, the possession of which would have enabled them to separate the

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two wings of the royal army, and to march upon Philadelphia. But just at this crisis of the engagement, a thick fog came on; the obscurity confused the movements of the Americans, but enabled the royalists to recover from their surprise. The advantage of discipline was speedily asserted. The British rallied, formed, and occupied the posts of defence. The Americans, on the other hand, were thrown into disorder; they mistook each other for the enemy; a panic, such as will sometimes seize veteran armies, spread through their ranks, and they fled from a field which they had all but won. The Americans, though they suffered more in the pursuit than in the action, brought off all their guns; the woody character of the country favored their flight; and though the attempt had failed, the result was not on the whole discouraging. For an army of recruits — hastily levied, without generals, and so destitute of necessaries, that a large proportion was shoeless, destitute of tents, and short of ammunition[a] — their conduct was highly promising. Within a month they had fought two pitched battles, besides being engaged in minor affairs, and showed at least that they were not incapable of holding their own in the open field.

Capitulation of Burgoyne.

In the meantime, an event of the utmost importance had taken place; — an event which

[a] WASHINGTON'S *Letters to President of Congress in the Autumn of* 1777.

ultimately proved decisive of the war. This was the capitulation of Burgoyne's army at Saratoga.

Carleton's military ability.

The masterly operations of Sir Guy Carleton in the spring of 1776, by which the invading army had been driven out of Canada, remained to be completed by the capture of Crown Point and Ticonderoga, of which the Americans had taken possession. These strong forts, of which the first was situated at the base of Lake Champlain, and the other at the head of Lake George, commanded the communication with the northern colonies by the channel of the Hudson; and being taken, there was nothing to prevent the junction of Carleton's army with the army under Howe. Such an event would have placed the whole of the northern provinces under the control of the royalists, and transferred the seat of war, if it had been possible in such a position of affairs to maintain the war, to the southern states.

Operations on the lakes.

Accordingly, vigorous preparations were made to equip a fleet for the attack on the lake forts; but the autumn was far advanced before the preparations were completed. Carleton, however, a very different officer from Howe, suffered not an hour to be lost; and in the middle of October, an armament, consisting of ships of war and transports, moved down Lake Champlain. Arnold, with equal vigour, had made every effort within his means to dispute the passage of the royal fleet. He collected a few ships, not, indeed, equal to the

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squadron which he had to encounter, but still formidable in the hands of such an able and energetic commander. The weight of metal, however, was in favour of the British; and British seamen, under the direction of skilled commanders, were more than a match for a few schooners and galleys, manned by fishermen, and officered by captains of militia. Nevertheless, the Americans made a gallant defence; and it was not until they had lost three of their heaviest ships and seventy men, that they gave way. Arnold, with his usual vigilance and resource, escaped with the remnant of his little squadron during the night; but a gale of wind dispersed his flotilla, and ultimately he reached Ticonderoga with only three ships.

It was then too late in the season to undertake the reduction of Ticonderoga. Leaving the fleet, therefore, to guard the passage of Lake Champlain, Carleton withdrew his army into Canada for winter quarters.

General Carleton superseded.

But before the return of spring, an unfortunate and ill-advised change had been made in the northern command. The able and experienced general, whose skill and vigilance had baffled the design upon the accomplishment of which the enemy had justly set the highest importance, was removed from the direction of affairs. Sir Guy Carleton was, for some unassignable reason, deprived of the command in Canada, in favor of General Burgoyne. There was no comparison to be made between the capacity and the services of

the two men. Carleton's military career commenced at the battle of Fontenoy, where he carried the colours of his regiment. He had been the friend and contemporary of Wolfe, who had selected him as the principal officer of his staff on the expedition to Canada, and had employed him in special services which required more than ordinary professional knowledge and judgment. After many years of honorable and useful service, Carleton had been appointed governor and commander-in-chief in Canada. In common with the other English officers in America and the ministers and people at home, he had undervalued the insurgents at the commencement of the war. I have already noticed the false security and improvident contempt for the foe which had well nigh lost the Canadas; but the promptitude, zeal, and military resource with which he repaired his error, ought to have marked out General Carleton for the chief command. In later times, since public opinion has controlled the unwise discretion and the corrupt influence of courts and cabinets, the preferment of such a man would have been certain. But in those days, the intrigue of the back stairs, the mere preference of the sovereign, or the mere spite of a minister, could set aside undoubted merit for inferior or questionable pretensions.

General Burgoyne.

Burgoyne was known as a man of fashion and as a man of letters, in addition to his military character. But he was better known as a man of

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fashion than as an author, and better known as an author than as a soldier. He had seen a little service in early life, but had found no opportunity of earning more than a reputation for bravery, which a British officer shares in common with the private. After an interval of many years, during which he passed the life of a man about town, he was employed as brigadier in Massachusetts under Howe. His account of the battle of Bunker's-hill, which he viewed from the opposite eminence, shews that he had some talent for description; his comedy of '*The Heiress*' is very agreeably written, has some dramatic situations, and dialogue which occasionally sparkles. Soon after the affair of Bunker's-hill, Burgoyne had left Boston, to push his interest at home; and while the noble veteran at Quebec was anxiously watching for the return of spring to resume those operations which, if skilfully executed, would probably result in the restoration of America to the British crown, Burgoyne, with the address of a practised courtier, was supplanting him in London.

Composition of the Army.

The army under Burgoyne, consisting of seven thousand good troops, English and German, assembled at Crown Point, in the month of June. Several hundred Indians were also taken into the British service, and the employment of these savages, more than any other incident of the war, embittered the conflict, and rendered reconciliation impossible. The barbarous cruelties perpetrated by them after the engagement at the Cedars, in

the preceding Canadian campaign, ought to have banished the natives from either army. Burgoyne, indeed, addressed these people in a bombastic harangue, professing to explain the objects of the war, and enjoined them to abstain from cruelty towards the enemy. But such an exhortation was unintelligible to native tribes, whose cruel practices, as they are termed by Europeans, are in accordance with their inveterate custom in the conduct of hostilities.

Siege of Ticonderoga.

The first object of this expedition was, of course, the reduction of the large fort of Ticonderoga, situated at the head of Lake George; and this important undertaking, for which extensive preparations had been made, was accomplished without difficulty. The American force, consisting of about three thousand men, was quite inadequate to the defence of the works. By an unaccountable negligence, the Americans had omitted to take possession of and fortify an eminence called Sugar Hill. St. Clair was of opinion that this height was not within cannon-range of his works; and that it was inaccessible to heavy guns, though the contrary had been demonstrated by Arnold and two other officers the year before.[b] The English engineer reported that Sugar Hill commanded the whole of Fort Ticonderoga and Mount Independence within a distance of fifteen hundred yards, and that a passage for artillery might be made in

[b] W. Irving's *Life of Washington*, vol. ii. p. 108.

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twenty-four hours. General Phillips, who commanded on this side, immediately commenced the works; they were completed according to the calculation, and on the morning of the 5th of July, the Americans beheld the British artillerymen on the summit of this eminence erecting a battery which would soon lay Ticonderoga in ruins.

Evacuation of the fort.

St. Clair, with the concurrence of a council of war, determined on an immediate evacuation of the fortress. The guns and stores were shipped off with all despatch to Skenesborough, a stockaded fort about thirty miles distant, on the upper side of the lake. The army was to march for the same point by a *detour* overland; but their movements were not so well managed as to elude the vigilance of the enemy. The rear-guard, before they marched, set their quarters on fire, and thus revealed the retreat. The whole British force was instantly in motion. In a few hours, the royal flag was flying at Ticonderoga; two divisions, under Generals Fraser and Riedesel were in full pursuit of St. Clair; while Burgoyne accompanied the squadron which followed the American flotilla. The British gun-boats, overtaking the heavily laden transports of the enemy at Skenesborough, the fort, the storehouses, and boats were set on fire. The Americans fought their way to another fort a few miles further on; and having there received some succours from General Schuyler, they at length reached to Fort Edward, where

they expected to find the main body under St. Clair. That unfortunate officer reached Castleton, about thirty miles from Ticonderoga, in safety, and halted for the arrival of his rear-guard. The noise of cannon was the first intimation which he received that their retreat had been interrupted. He ordered two regiments of militia, nearest the spot, to march to their assistance. The militia refused to obey, and marched in the opposite direction for Castleton. At this moment, St. Clair heard of the arrival of Burgoyne at Skenesborough, and the disaster of the flotilla. Fearing to be intercepted, he pushed on to Fort Edward, leaving orders for Warner, who commanded the rear-guard, to follow him. Warner, who had gallantly maintained his ground against the British until he was deserted by a regiment of militia, was compelled to make a precipitate retreat, leaving three hundred killed and wounded. He ultimately joined St. Clair with ninety fugitives, the remnant of a body seven hundred strong, with which he had left Ticonderoga a few days before.

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General Schuyler's movements.

St. Clair did not effect his retreat without further loss; he was still hard pressed, and it was with difficulty that he reached Fort Edward, where General Schuyler was stationed with the other division of the army, which had been driven from Canada. Burgoyne pressed forward on his retreating foe; but instead of making use of his transports, which would have conveyed his troops with ease and despatch to their destination, he pre-

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ferred, under the delusive idea of saving time, to march across a difficult and hostile country. The delay occasioned by this perverse movement gave the enemy time to prepare for defence. General Schuyler, still retreating before his enemy, fell back upon Stillwater, a position lower down the river; his object being to intercept the communication between the Royalists and the country people. At Fort Edward, Burgoyne was detained by the necessity of making provision for securing his supplies from Canada, since the enemy, in their retreat, had destroyed the mills and stores, and driven the cattle before them. The American general also, by stirring proclamations and addresses, was so successful in exciting the spirit of the people against an invading army, that his scanty force, recruited by the militia, New England States, and the yeomany of the district, soon amounted to thirteen thousand men. This force was commanded by General Gates, with Arnold as his second, the Congress in their wisdom and justice, having thought fit to supersede the brave veteran, Schuyler, and his able lieutenant, St. Clair.

Position of Burgoyne.

Burgoyne, who appears to have taken little pains to acquire accurate information of the state of the country through which he passed, having heard that the enemy had established magazines at Bennington, sent a detachment of Germans to surprise and seize them. The force despatched on this service was overpowered, and retreated with

a loss of nine hundred men. This event was decisive of the wavering loyalty of the inhabitants. The numerous body, which in every conflict, both civil and military, wait to join the winning side, now went over to the Americans, or withdrew from correspondence with the British. Burgoyne was, at this point, only fifty miles from Albany, his original destination, where he was to open his communications with Clinton and Howe. Many people who had been favourable to the royalists were alarmed and indignant at the horrible cruelties and outrages committed by the Indian allies of the English. The native militia rose on the rear and on the flank of Burgoyne's march, cutting off his foraging parties and stragglers. Difficulties were gathering rapidly around; it soon became apparent that every inch of ground would be disputed. The English general having halted a month at Fort Edward, for the purpose of collecting stores, advanced to attack the enemy's position at Stillwater; but the enemy came out to meet him, and after a battle of four hours, in which no material advantage had been gained on either side, the British remained in possession of the field, and the Americans retired in good order within their lines.

Burgoyne's position now became critical. The hostile force in his rear had become so large as entirely to cut off his communication with Canada. He had been baffled in all his attempts to obtain provisions in the country round. The Indians,

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who had been useful as scouts and skirmishers, had nearly deserted him. The numbers of the enemy in front were rapidly increasing and full of confidence.

Convention with Burgoyne.

In this emergency, Burgoyne fell back to Saratoga, with the view of retreating to Fort Edward, and thence returning to Canada. But he found the whole line of march covered with American militia; and even if he could cut his way through them and reach the lake, his farther progress would be stopped by the want of boats, all of which had been destroyed by the enemy.

At length, on the 13th of October, finding himself reduced to three days' provisions, Burgoyne called a council of war, at which it was determined to relinquish the conflict. A flag was sent to the American camp, proposing to capitulate on terms. General Gates replied that the only terms which an army, reduced to the last extremity could expect, were those of unconditional surrender. Burgoyne, with the prompt and unanimous concurrence of his officers, declared that they would fall, sword in hand, rather than submit to such indignity. Upon this intimation, the American general wisely forbore to insist upon a harsh punctilio which would drive his brave and high-spirited enemy to despair. The terms of a Convention were soon arranged. The British troops were to march out with the honors of war, and deposit their arms at a place agreed upon. They were to be provided with a free passage from

Boston, on the usual condition of not serving again in America during the war. Ch. 21. 1776

The part which the Americans had to take in a scene so painful to their great antagonist, and so glorious to themselves, was performed with a dignity and grace which would have become the most ancient monarchy of Europe. When the ceremony of piling arms took place, Colonel Wilkinson, the adjutant-general was the only American officer present. The whole American army was kept within their lines. 'The fortune of war, sir, has made me your prisoner,' said the gallant Burgoyne, on meeting his venerable adversary. 'I shall always be ready to testify it was not through any fault of your Excellency,' replied Gates, with a grave salute. When the disarmed English officers passed along the motley lines of the American army, the rank and file stood motionless, nor did any man betray by word, look, or gesture the least exultation or resentment. General Schuyler, to whom the honor of that great day properly belonged, behaved with the like magnanimity. His spacious residence on the Hudson, with all its furniture, had been burnt down by order of Burgoyne. The first offer of hospitality which the English General received on his misfortune was that of Schuyler; and this offer was accepted for himself and as many of his principal officers as the house would accommodate. Burgoyne, with natural compunction, would have attempted some apology for the cruel injury which Burgoyne's surrender.

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he had inflicted on his host. But Schuyler stopped him, 'Do not think of it,' said the kind old man; 'the act was justified by the usage of war.'

Rumoured advance of Clinton.

While the negotiation for surrender was pending, General Burgoyne received information that Sir Henry Clinton's force, upon the co-operation of which he had so long calculated, was advancing up the Hudson. He summoned another council of war, and asked their opinion, whether he was bound to conclude the treaty? The majority thought that his honor was already pledged; but Burgoyne himself, and many of his principal officers, thought otherwise. It is difficult indeed to understand on what argument the opinion of the majority proceeded. No obligation accrues until the terms of the compact are mutually settled; and there is no reason founded on good faith why a convention, like any other agreement, should not be broken off at any point short of its conclusion. The decision of Burgoyne was not determined by the absurd opinion of the military council. He had better reasons. The information which had reached him was not authenticated; and any movement made without certain intelligence as to Clinton's position and arrangements would be hazardous in the extreme.

Burgoyne and Clinton.

Clinton commanded at New York; and as co-operation from that point was so obviously conducive, if not necessary, to the success of Burgoyne's expedition, it seems unaccountable that

provision had not been made for securing such co-operation. It has been said, that jealousy prevented the commander-in-chief from sending Clinton a sufficient reinforcement to enable him to act in concert with Burgoyne; but we have seen that Howe's force was no more than sufficient for the main purpose of the campaign, the capture of Philadelphia; nor is it just to load the memory of a respectable officer with an imputation so grave as that of at once betraying a colleague and frustrating a great enterprise, which, if successful, must have been attended with the most important results. The fact, that reinforcements were sent to Clinton direct from England, is in itself sufficient to refute the suggestion that Howe was expected to supply them. The truth is, that these reinforcements, amounting to seventeen hundred men, arrived too late. They reached New York about three weeks before the capitulation of Saratoga. Had they arrived a few days sooner, the operations which Clinton by their aid was enabled to effect, by destroying some villages and forts on the North River, thus clearing the passage of Burgoyne's army to Albany, and at the same time effecting an important diversion, might have wholly changed the fortune of the northern expedition.

Number of Burgoyne's troops.

The effective force of Burgoyne's army at the time of its surrender was about three thousand four hundred English and Germans, besides Canadians. Gates had upwards of thirteen thousand

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men under arms; he was fully provisioned; his communications were open; and he had the command of the fortified posts in his rear. Upon such a relative state of affairs, there can be no doubt that Burgoyne was fully justified in the step which he took. It is no part of my task to criticise the military conduct of this officer; and I doubt whether materials exist for the formation of a satisfactory opinion on this point, even by competent authority. The reliance which was placed upon the Canadian and Indian auxiliaries proved delusive; the cruelties perpetrated by the savages entirely alienated the good will of the inhabitants, and stimulated a resistance to the British arms, which they might not otherwise have encountered. The harassing march from Skenesborough across a difficult country, which furnished no supplies, caused great delay and distress. Both might have been avoided, had the troops been conveyed by water. The boats, it is true, were on Lake Champlain, and not on Lake George; but they might have been conveyed across the narrow slip of land which separates these waters. They were left behind, and destroyed by the enemy. By thus abandoning the lakes, Burgoyne lost his communication with Canada, and exposed his flank and rear to those attacks which every prudent general seeks to avoid when marching through a hostile country. A diversion by Lake Ontario and the Mohawk River, by means of a detachment under General

St. Leger, entirely failed; and this force, which was to have joined Burgoyne at a point of the Hudson between Saratoga and Albany, had been dispersed in their retreat from an unsuccessful attack on Fort Stanwix.

Results of the convention of Saratoga.

The convention of Saratoga decided the fortune of the American war. An army which had sustained a series of military reverses, and been beaten in every pitched battle they had fought, yet still maintained the conflict with unflinching firmness, could scarcely fail to be elated by an event, the importance of which it was hardly possible to exaggerate. Throughout the States, the surrender of the famous General Burgoyne was a theme of exultation; and a people never diffident of their own merits and resources, now spoke of the time as fast approaching when the British invader should be expelled for ever from the soil of free America. The news of Saratoga immediately gave a decisive tone to the councils of Versailles. Towards the close of the year 1777, the ministers of Louis not only recognized the independence of the United States, but entered into a treaty, by which they engaged to give the Americans military aid, on condition only that they should undertake never to acknowledge the supremacy of the British crown.

CHAPTER XXII.

MEETING OF PARLIAMENT — CONTRIBUTIONS OF THE PUBLIC IN SUPPORT OF THE WAR—CONCILIATORY ACTS AND APPOINTMENT OF COMMISSIONERS TO TREAT WITH THE AMERICANS — DEATH OF CHATHAM — HIS CHARACTER.

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Re-appearance of Chatham.

PARLIAMENT assembled for the usual autumnal session a few days before the disaster of the great northern expedition was known in London. Rumours of Burgoyne's difficulties had already been briskly circulated, and gloomy apprehensions were entertained. At this critical period, Chatham once again appeared in his place; and his appearance excited no ordinary degree of interest. The country was becoming uneasy. An insurrection, which by a prudent policy might have been prevented, or by prompt measures might have been suppressed, had already lasted two years, and was not yet put down. The fortunes of the country were declining, as they had declined twenty years before, when they were suddenly retrieved and carried to the height of prosperity and glory by the genius and patriotism

of one man. That man was still living, his public spirit unimpaired, his eloquence resounding as in days of yore. Why should not Chatham be once more the saviour of his country? Who so fit to redeem the honor of England, and to prevent the dissolution of the empire, as the man who had chastised the insolence of our ancient foe, and added rich provinces to the dominion of Great Britain? Men of all parties cast their eyes in the same direction. Lord Bute came forth from the retirement in which he had passed his later years, to urge the paramount importance of calling back the minister whom he had supplanted at the commencement of the reign. Mansfield declared, with an emotion which he rarely exhibited, that his old rival was the only man who could save the state. Such was the prevalent feeling when Chatham went down to the House of Lords, to move an amendment to the address on opening the session. He invited the Peers to concur with him in recommending the Crown to take immediate measures for restoring peace. His speech on that occasion was, in some passages, very striking. 'You *cannot*,' said, he 'conquer America. It is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow, traffic and barter with every little pitiful German prince that sells his subjects to the shambles of a foreigner; your efforts are for ever vain and impotent — doubly so from this merce-

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nary aid on which you rely; for it irritates to an incurable resentment the minds of your enemies, to overrun them with the mercenary sons of rapine and plunder, devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms — never — never — never!' He censured the employment of the Indians in a strain of still more vehement invective. But it was in his reply that he pursued this topic with such wonderful effect. Lord Suffolk maintained that it was justifiable to use all the means that God and nature had put into our hands. 'I am astonished,' said Chatham, 'shocked to hear such principles confessed — to hear them avowed in this house or in this country; — principles equally unconstitutional, unchristian, and inhuman.' The whole of this reply is well known as one of the finest pieces of declamation ever delivered within the walls of Parliament. The Duke of Grafton, who heard the speech, has recorded his opinion, 'that it surpassed all that we have ever heard of the celebrated orators of Greece and Rome.'[a] Making every allowance for the unrivalled action of Chatham, I cannot but think this eulogy extravagant. It is easy to 'invoke the genius of the constitution,' if the orator, after his school-days have passed, retains

[a] *MS. Memoirs*, quoted by Lord Stanhope.

daring enough to venture on such a flight. The hero of the Armada frowning from the tapestry on his degenerate descendant, is an image which borders on the ridiculous. The appeals to the episcopal bench and the woolsack are, to my mind, strained and affected. The speech on the Declaratory Bill, in 1766, was astonishing, awful, thrilling; a speech which no English orator but Pitt could have conceived or uttered. But in this celebrated performance of his later days, I can find little which a clever declaimer might not have composed and delivered.

Chatham's speech on the employment of mercenaries.

Nor was there much foundation for the splendid invective with which he assailed the government. It is not easy to understand why it should be more reprehensible to employ German mercenaries in a war with America, than in a war with France. And if it was wrong to engage savages in civilized warfare — and no doubt it was quite unjustifiable to do so — Chatham himself had been a party to such a practice in the war of 1756. The expediency of resorting to foreign aid in a conflict to which we ascribed a civil character is a different question; but considering that the Americans were contending against Great Britain, not as rebellious subjects, but as an independent nation, they could prefer no claim to the forbearance which should moderate the chastising hand of a parental government.

Elation of the Opposition.

On the second of December, the surrender of Saratoga was known in London, though the

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official intelligence did not arrive until some days later. The Opposition were highly elated. The disaster which had befallen their country's arms exceeded, indeed, not their hopes, but their most sanguine expectations. The expedition which had been fitted out with so much care, which was to have saved America, and re-established the ministry, had signally, perhaps disgracefully, failed. The disaster would probably prove irreparable; thirteen colonies would be lost, and the administration ruined. The country gentlemen, who had hitherto supported the arbitrary policy of the court, under the delusive hope, which Grenville and Townshend had encouraged, that the colonies might be made to alleviate the weight of the land tax, had begun to shrink from the increasing pressure of the war; and though they still gave their votes to the government, their zeal against rebellion had sensibly abated. Throughout both Houses, indeed, the desire for peace on any terms was prevalent, and in no man more strongly than in the first minister himself.[b]

But the King was inflexible; and the country, which had begun to waver, and would have been content with pacific measures had they been proposed by the government, were reassured by the

[b] "Opposition are very lively; and though in the House we keep our numbers, there seems to be an universal desire for peace, even on the most humble conditions.'—GIBBON *to Holroyd, December 2nd*, 1777. (This was written before the intelligence of Burgoyne's disaster had arrived.) *Miscellaneous Works.*

firmness of the administration, and continued to support a policy which flattered their pride, instead of appealing to their prudence. Some of the great commercial towns subscribed to raise regiments for service in America. Other places followed their example; and in this manner no less than fifteen thousand men were added to the effective strength of the army.

Parliamentary adjournment.

Before the arrival of the official despatches from Burgoyne, Parliament was adjourned for six weeks, not without strenuous resistance and energetic protest on the part of the Opposition. The liberal contributions which had been made in various parts of the country towards meeting the exigencies of the war, were bitterly censured by the Whigs; and attempts were made in both Houses to show that the raising a military force by private subscription was contrary to the Bill of Rights. The Whig leaders, indeed, refrained from raising an objection so untenable as this, and contented themselves with giving an oblique support to the motion when brought forward in either House by members whose opinions on a question of constitutional law could carry no weight. Such statesmen as Lord Abingdon and Sir Philip Jennings Clerk were easily disposed of; but both Fox and Burke, though they did not venture to question the right of the subject voluntarily to pay money for the military service of the Crown in time of war, yet poured forth bitter invectives against the persons who had thus come forward with aid in support of the war.

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Movements of the opposition.

But the most significant proceeding, on the part of Opposition, was a motion for a Committee on the State of the Nation, brought forward by the Duke of Richmond in the Lords, and by Charles Fox in the Commons. This mode of proceeding, though of late years discontinued, was formerly the approved mode of proposing a vote of censure on the conduct of administration; and was considered as an intimation that the time had arrived when the party in office were to be displaced by their competitors for power. Many circumstances, at this time, seemed favourable to such a change. Notwithstanding the demonstration which had been lately made in some of the large manufacturing towns, which wished to retain the monopoly of the Colonial market, the country was becoming weary of a war, the progress of which had developed new difficulties, while it had been attended with no substantial success. The principal ministers were despondent, and anxious to be relieved from the responsibility they had incurred. Lord North, it was notorious, would willingly lend his aid to any arrangement by which he might be relieved from the increasing cares of office. Lord George Germaine, the principal war minister wished to retire. The Bedford connection alone, the most unpopular of all the parliamentary factions, clung to power. A war with France and Spain was imminent — that calamity might be averted by a change of measures and of men. If it was to

happen, there was one man, by common consent, pre-eminently qualified for the direction of affairs. That man was Chatham. With Chatham would be associated the great bulk of the Whig party. The most eminent of the retiring ministers, the most distinguished of his former rivals would give their cordial support to the statesman who was most fit to defend the honor, and to maintain the integrity of the empire. Even that faithful band, whose only vocation it had been to stand between the King and his too powerful nobles, began to warn their Sovereign that the state of the country required more vigorous counsels than could be expected from his Majesty's friends.[c]

Obstinacy of the King.

All these circumstances produced little effect on the mind of the King. He continued unshaken in his determination to persevere in the struggle with his rebellious colonies. He treated Lord North's earnest and repeated wishes to resign as a dishonorable desertion of his service. He declared that no consideration should induce him to make any overture to the Opposition; that he would rather resign his Crown than submit to a humiliation which he should think personally disgraceful. He pledged himself, in the most solemn manner, to hold no personal communication with Chatham; and would only consent to his admission into the cabinet on the express condition that Lord North

[c] Lord Mahon's *History*, vol. vi., quoting an unpublished memorandum of Lord Barrington's.

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was to retain the direction of affairs, and that Chatham was to have no voice in naming the other members of administration.[d] It is hardly necessary to say that Lord North did not avail himself of his royal master's permission to open a treaty with Chatham on such terms as these. The King knew as well as his minister that the idea of Chatham associated in council on a footing of equality with the Weymouths, the Sandwiches, and the Suffolks, was merely absurd; but rather than mortify his own implacable temper, or give up one of the many stupid prejudices which he cherished, he was willing to risk, not indeed the loss of the Crown which he so often talked of resigning when his will was opposed, but the convulsion of the realm and the dismemberment of the empire.

Parliamentary influence of the Court.

Notwithstanding the critical state of affairs, the Court could still command such majorities in both Houses, as would in these days argue the existence of a powerful government and a prosperous nation. Fox's motion for the grand committee was negatived by two hundred and fifty-nine to one hundred and sixty-five; and the Duke of Richmond's motion to the same effect was supported only by thirty-four against ninety-one. But though their majorities were undiminished, the ministers no longer sustained an equal conflict in debate. Lord

[d] *The King's Letters to Lord North*, App.; Lord Mahon's *History*, vol. vi.

North spoke in a tone of dejection; even his temper, which had remained imperturbable under the most violent and provoking attacks, began to give way. Lord George Germaine, whose boldness and confidence had so often put down and deterred opposition, became querulous with disappointment, and lukewarm in defence of a Government from which he intended to retire. The Attorney and Solicitor-General, who had heretofore so powerfully supported the minister in the House of Commons, were now, after the fashion of law officers, looking for their advancement. Thurlow was in immediate expectation of the Great Seal, and Wedderburne longed to be Chief Justice.

Lord North's Conciliation Bills.

Early in the session, Lord North brought in two bills for effecting a conciliation with America. The concessions proposed were of the most ample character, and only stopped short of recognising the independence of the Colonies. Commissioners were to be sent over to treat with Congress. The civil and military commissions of all officers in the service of the United States were to be recognised. And as it had been objected, that the powers of the former commissioners had been unduly restricted, the new commissioners were expressly authorised to discuss and conclude every point in dispute between Great Britain and the Colonies.

Objected to as being too late.

The only objection which could be raised to propositions so liberal was that they came too late. Had they been made before the declaration of the

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4th of July, they might have offered a formidable obstacle to the policy of Congress; but since that declaration, supported as it had been by the successful termination of the campaign on the Delaware in 1776, and the still more important, if not decisive, event of the operations in the Hudson, it was idle to expect that the Americans would treat on any other basis, than that which was expressly excluded from the negotiation now proposed.

Impossible to treat with the colonies as independent.

But this basis was inadmissible. Even if the King could have consented to treat with the insurgent provinces as with an independent power, neither parliament nor the country were prepared for such a proposition. The most ardent friends of the American cause, who openly rejoiced at the success of the American arms, had never as yet gone the length of assenting to the extreme pretensions of the Colonies. Those English statesmen who held the resistance of America to be justifiable, when England sought to put down her reasonable demands by force of arms, must on the same principle, maintain the justice of their country and cause, when America advanced a claim which had no foundation. But faction is seldom logical or consistent, and instead of at once admitting the plain fact that the character of the war was entirely changed since the Declaration of Independence, the Opposition continued to argue the question on its former footing. The question, however, really was just the same as it would have

been if England, instead of being at war with America, was at war with France, or Spain, or Austria. Was she so worsted in the conflict, or so exhausted by her efforts, that the time had arrived to acknowledge herself beaten by yielding the point in dispute? No man could say that England was reduced to such straits. An expedition had miscarried, and an army had surrendered, but certainly not in consequence of superior generalship or prowess on the part of the foe. If the operations of the main army had not proved successful, their failure was owing to the negligence and incapacity of the commander-in-chief. But in every engagement—whether attacking the enemy's position or defending their own—the superior discipline and valour of the English had been proved. Two campaigns only had been fought; the burden of the war had not yet been onerous; the manufacturing industry of the country, which had supported the last war, had greatly increased; her commerce was flourishing. The United Provinces had entered into an offensive alliance with the ancient enemy of England. Was that a reason why peace should be concluded on the terms dictated by her rebellious subjects? A generation had hardly passed away since this country had inflicted a signal chastisement on France. One of Wolfe's colonels, still in the prime of life, had just repelled a piratical invasion of that magnificent province which the conduct and valour of his chief had won from France. Was France now

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to retaliate by taking the adjacent provinces from England without resistance? There could be but one answer to such questions. The war might have been prevented in 1775, and honourably terminated in 1776, but in 1777 and 1778 there was no alternative to a perseverance in hostilities.

In these circumstances, the conciliatory propositions of the Government were brought forward, not so much with the hope that they would be accepted as the basis of a treaty by Congress, but with the view of detaching from the popular cause the few that were still willing to listen to terms of accommodation, and to afford an excuse to others who were favourably disposed towards the Crown.

Appointment of the commissioners.

The bill for the appointment of commissioners with plenary powers, except upon the one essential point, met with no serious opposition. Those, indeed, who had steadily supported the Government in resisting the demands of the colonists felt that the whole question was given up, and would give no more than a sullen acquiescence in a measure which lowered the dignity of the Crown and impaired the authority of Parliament, without offering any security that the price of such humiliation would be obtained by the restoration of peace and the maintenance of the colonial empire. The Whigs could find no substantial ground of criticism in a plan which themselves would have proposed had they been in power. They would only say, indeed, that these conciliatory overtures

would have proved more acceptable to the Americans had they been offered by an administration more favourable to their pretensions. Another Act was passed repealing the tea duty, and containing a clause not expressly renouncing the right of taxation, but simply undertaking, for the future, not to impose any duty on the Colonies except such as might be expedient for the regulation of commerce. This was, in effect, conceding the principal point which had been contested in the earlier stages of the quarrel, but which had long since become obsolete.

New loan.

It only remained to provide for the continuance of the war. A new loan of six millions obtained the ready sanction of Parliament, and was negotiated on favourable terms. Before these several measures were brought forward, Lord North took the opportunity of again earnestly pressing his resignation on the King. Besides his increased anxiety to be relieved from a position which was becoming one of fearful responsibility, the minister felt the force of the argument which had been so plainly urged in the debates on the Conciliatory Bill, that measures of conciliation could be proposed with a fair chance of success only by those statesmen who had throughout upheld the claims of the colonists, and consistently denounced the whole of the policy which had been pursued since 1765. It was not only expedient, but just, that the party whose counsils had at length been implicitly adopted, should be allowed to carry them into execution.

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The King, however, was of a different opinion. His personal feelings outweighed every other consideration; and he still positively refused his assent to any arrangement which should give the Whigs an ascendancy in his councils. It was against his will that any conciliatory measures were brought before Parliament; for he thought, not without reason, that if the Americans were unwilling to meet the pacific advances of this country in the preceding year, when their affairs were much less hopeful, they were not likely to abate their arrogance after the signal military advantages they had lately obtained, and with the immediate prospect of material aid from foreign powers.[e]

Rupture with France.

The long expected rupture with France took place immediately after the Conciliatory Bill had been passed, and postponed for the time Lord North's intended resignation.

Conduct of the French Court.

The conduct of the cabinet of Versailles throughout this affair was characterised by more than diplomatic duplicity. Franklin had been for more than a twelvemonth incessantly engaged in intrigues and negotiations for the purpose of persuading the French government that their best chance of humbling the pride of Great Britain was by recognising the independence of the North American provinces. But though every countenance and aid were afforded to the Americans,

[e] *The King to Lord North*, 31 January, 1778.

the ministers of Louis prudently refrained from committing him to a quarrel with his formidable neighbour, until some certain indications of the turn affairs were likely to take on the other side of the Atlantic could be obtained.

Remonstrances of Lord Stormont.

Lord Stormont, the English ambassador at Paris, had frequently remonstrated with the French ministers on the encouragement they were giving to the rebellious subjects of his government; but up to the moment when the treaty with Congress was signed, he received the most positive assurances that no measures which could affect the friendly relations of the two crowns had been taken, nor were in contemplation; and within a week of the treaty being signed, the ministers, in answer to a direct question of Lord Stormont, stated, that no treaty had been concluded, nor even commenced.[f]

Ambassadors recalled.

At length, on the thirteenth of March, when dissimulation was no longer practicable or necessary, the French ambassador at London presented a note to Lord Weymouth, the Secretary of State for Foreign Affairs; formally announcing the conclusion by his court of a treaty of commerce and alliance with the United States of America, which *were in full possession of the independence as-*

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[f] 'Ni conclu, ni entamé.'—*Lord Stormont to Lord George Germaine*, 22nd January, 1778. The treaty was signed on the 6th of February. The preliminary articles had been agreed upon December 24.

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serted by their Act of the 4th of July. A paper so insulting could be answered only in one way. Lord Stormont was ordered to demand his passports, and the Marquis de Noailles was recalled from London.

Message from the Crown.

A message from the Crown announced these grave events to Parliament. The usual addresses were voted; but the supineness and incapacity of the administration, and the necessity for a change, were insisted upon with more than ordinary vehemence. An amendment was moved for the dismissal of the ministry, and Chatham was openly alluded to as the only statesman fit for the direction of affairs in the crisis which was impending. If the numbers on the division were any criterion of strength, the administration of Lord North was as firm as ever. The amendment, which implied a direct vote of no confidence, was rejected by a majority of two hundred and sixty-three to one hundred and thirteen in the Commons; and by one hundred to thirty-six in the Lords. The real sentiments of the nation, however, and of Parliament itself, would have been better represented by a reversal of the numbers on the division lists. The King himself, perhaps, might have been reckoned the only man in the country who was entirely satisfied with his ministers.

Application to Lord Chatham.

In truth, every eye was now turned towards the retreat of that wayward valetudinarian, in whose age and decrepitude the nation had more

confidence than in all the statesmen and orators who aspired to the direction of her councils. Chatham had not appeared in public since the Christmas adjournment. He remained, as had been usual with him for the last ten years, in strict seclusion at his favourite country house near London, seldom accessible even to those political friends with whom he continued in close correspondence. Lord North, though he could not presume to propose to his great rival any such terms as those which the King had prescribed, yet endeavoured to ascertain indirectly upon what terms, if any, Chatham would consent to take office. Mr. Eden, one of the commissioners appointed under the new Conciliatory Act, had some communication with Lord Shelburne on the subject, but the result was what might have been expected.[g] It does not appear that Shelburne thought it necessary to consult his chief upon a point so plain and simple. If the services of Lord Chatham were required, he must receive His Majesty's direct commands, and an unqualified commission.

The King's resentment.

The King expressed the strongest resentment when the result of Eden's conversation with Shelburne was reported to him. '*No advantage to this country*,' said he, 'nor personal danger to myself, can ever make me address myself to Lord

[g] Lord J. Russell's *Correspondence and Memoirs of Fox*, vol. i. pp. 180—187.

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Chatham, or to any other branch of Opposition.'[h] These were the sentiments which, in his Majesty's opinion, entitled him to expect 'that the nation would stand by him';[i] and upon which he appealed with confidence to the honour and fidelity of his ministers. Public opinion in these days had but a faint and imperfect utterance; but if the King had persevered in his determination to exclude Chatham from the direction of his councils at a time when the fortunes of the country were at stake, he might have been forced to consider that alternative of his own abdication with which he was accustomed to alarm his courtiers, whenever his will was thwarted or opposed. But the King and the country were relieved from the danger of a collision on this subject by an event which, though long anticipated, at length happened at a moment when it was least expected.

Chatham's re-appearance in the House.

Chatham had not, for many years, taken so active a part in public affairs, nor had his oratorical powers, in the estimation of many persons, displayed such remarkable vigour as in the short autumnal session of 1777. Besides the celebrated speeches on the Address, he had brought forward motions, and taken part almost daily in the debates relative to the American war. The prospect of a rupture with France was supposed to have revived almost all his former energy; and hearts

[h] *Letter to Lord North*, 15th March, 1778.

[i] Ibid. 17th March.

which had begun to fail at the dangers and difficulties which were gathering round the empire, were re-assured by the presence of that Great Commoner who, called to power by the voice of the people, had once before redeemed his country from the disgrace into which she had fallen by the incapacity of her rulers, and had placed her at the height of power and glory. The first act of Chatham, on reading the French note of the 13th of March, seemed to indicate the vigour and promptitude of former days. His son, Lord Pitt, whom, by a strong measure, he had removed from Sir Guy Carleton's staff because he disapproved of the American war, was desired immediately to return to his military duties. The Duke of Richmond, having given notice of a motion for an address to the Crown for a recognition of the United States, with the view of averting a war with France, Lord Chatham intimated his intention of attending in his place for the express purpose of opposing the motion.

His last appearance.

It was on the 7th of April that Chatham appeared, for the last time, in parliament. He had risen from a sick bed, against the earnest entreaties of his friends, to be present on this occasion. Lord Camden, the oldest of his political friends, in a few minutes' conversation with him before he entered the House, was convinced that neither mind nor body would sustain him through the debate. He was led, or half carried, to his place by his young son, William Pitt, and his son-

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in-law, Lord Mahon. The peers, who had risen as he entered, remained standing and uncovered until he had taken his seat. There was an unusually large attendance, and everybody was anxious to hear the sentiments of that exalted person, who, it was hoped and believed, was shortly to become the minister, or as his Majesty more aptly termed it, the dictator of the country.

Chatham's last speech.

After the Duke of Richmond had spoken in introducing his motion, which was for the immediate withdrawal of the British fleets and armies from the waters and territories of the United Provinces, and the conclusion of a peace, Lord Chatham rose. He leaned as usual upon a crutch; his wasted features were hardly visible under the full-bottomed wig; but though sickness had dimmed, death alone could quench the fire of his eye. Though his body was bent with age and infirmity, he still retained that air of grandeur and authority which distinguished him above every orator and statesman in either assembly. As he slowly rose from his seat, the House became perfectly still. His voice was at first low and weak, but every word was distinctly uttered. He reviewed the whole of the American war, reminding the House of his predictions, and of their fulfilment. At times his memory failed, and his sentences were incoherent; but the speech contained some passages in his best manner. 'I rejoice,' said he, 'that I am still alive to lift up my voice against the dismemberment of this ancient and

noble monarchy. Where is the man who will dare to advise such a measure? My lords, his Majesty succeeded to an empire as great in extent as its reputation was unsullied. Shall we tarnish the lustre of this nation by an ignominious surrender of its rights and fairest possessions? Shall this great kingdom, that has survived whole and entire the Danish depredations, the Scottish inroads, and the Norman conquest; that has stood the threatened invasion of the Spanish armada, now fall prostrate before the House of Bourbon? Shall a people, seventeen years ago the terror of the world, now stoop so low as to tell its ancient, inveterate enemy — Take all we have, only give us peace.' The Duke of Richmond replied, with expressions of profound respect for the name and authority of his illustrious opponent. His Grace's argument for hastily concluding a peace with the colonies on their own terms was, that we could not contend against France, Spain, and America united; and that this country was not bound to resent the insult which France had offered her, because Philip the Second had not gone to war with Queen Elizabeth for abetting the war with the Spanish Netherlands. Ch. 22. 1778

It is easy to conceive what a field such reasoning as this would have afforded to the eloquence of Chatham. When the Duke sat down, Chatham, who throughout his speech had manifested an eager impatience to reply, immediately stood up. But the last effort had been made; he staggered, Chatham's death.

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pressed his hand to his heart, and sunk to the ground. He appeared to be in the last convulsion; but restoratives having been administered as soon as he could be conveyed to an adjacent room, he partially recovered his senses. In a few days he was removed to his house at Hayes, where he expired on the 11th of May, in the seventieth year of his age. A public funeral and a monument were unanimously voted by the Commons in memory of the greatest man who had ever sat amongst them. They paid his debts; and passed a bill to annex an annuity of four thousand a-year for ever to the title of Chatham. Four peers availed themselves of the privilege of protest to acquire an unenviable notoriety, by recording their dissent from this bill. Bathurst, the most incompetent Chancellor that ever sat upon the woolsack; Markham, the Primate, whose motive was open to the imputation of personal resentment;[k] and two other lords, the Duke of Chandos and Lord Paget, whose protests were of no importance, were the parties to this proceeding.

Consequences of his decease.

With Chatham's life expired the last lingering hope of maintaining the integrity of the empire.

[k] Chatham, in his celebrated reply to Lord Suffolk, in the preceding December, had characterised a sermon which the Archbishop had recently preached on the subject of the American war as containing the doctrines of Atterbury and Sacheverell. The claims of the Americans were frequently discussed and denounced from the pulpit.

Had he lived a few weeks longer, it would have been announced to Europe and America that Chatham was once more the minister of England. That name, so revered in the new world, so terrible to the sinking dynasty of the old, might, even at this eleventh hour, have postponed the consummation of American freedom, and averted the calamity of an European war. Chatham, like other statesmen, both great and small, was not always consistent; but there were certain governing principles of policy to which he always faithfully adhered. Among these were the humiliation of the House of Bourbon, and the impossibility of conquering America. These principles, compromised as they were, by the policy of his successors, he might still, to a certain extent, have redeemed. It is certain that he would not have attempted to maintain the connection between Great Britain and her dependencies by burning their towns, and letting loose upon their defenceless inhabitants bands of foreign mercenaries and heathen savages. Had Chatham been called to power, he would at once, by a single act, have dissolved the new and ill-cemented alliance between Versailles and Philadelphia. He would have withdrawn the armies and fleets of England from the soil and waters of America, not, indeed, as the Duke of Richmond wished, into the barracks and harbours of England; but he would have arrayed their whole menacing strength against that ancient enemy, who thought the domestic distractions of her hated rival offered

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the long desired opportunity of retaliation and revenge. The United States, left in undisputed possession of independence, would have had neither the inclination nor the ability to assist France in a quarrel, in which, as they well knew, she had engaged, not from any generous sympathy with the struggle of an oppressed people, but for her own selfish objects. With Chatham at the head of the English Government, and all local causes of irritation removed, the States would hardly have joined with France against the old country in a quarrel in which they were no longer interested. Even if the desire to inflict humiliation on the mother country should survive the struggle for freedom, the States were in no condition to afford military support to their ally. Their army consisted of a rude militia, which could hardly be kept together when fighting upon their own soil for their own cause. These home-sick soldiers were not very likely to encounter the hardships of a campaign in Canada for the purpose of restoring that vast province to the dominion of the Most Christian King; and in a country where the population was hardly sufficient for the cultivation of the soil, and the demands of trade and commerce, it would have been difficult to enlist an American brigade to serve under the orders of a Marshal of France. The Court of Versailles, in venturing, at length, after much misgiving and hesitation, upon an insult to this country, had calculated entirely on the proved ability of the Americans to maintain a

defensive war, and on the exhaustion of the naval and military resources of Great Britain in the reduction of her revolted provinces. But if Chatham had returned to power, and recovered but for a day the spirit and energy which animated the minister of 1757, he would with one hand have pacified America, and with the other he would have flung back the insolence of the Bourbons. The results of such a policy may be conjectured with extreme probability. America would have accepted from her illustrious friend such terms as no other English statesman could have offered with any hope of success. France would have hastily retreated from the position into which she had cautiously entered; and upon the whole, it is reasonable to infer that the result of Chatham's administration, if directed by Chatham himself, would have been the immediate cessation of the American war, and the prevention of the French war. We should not, indeed, have saved the Colonies; but we should have parted from them without dishonour, and with mitigated asperity. We should have been spared the addition of one hundred millions to the national debt, and might possibly have averted the convulsion which, a few years later, produced another and still more ruinous war.

Debate on the Duke of Richmond's motion.

The debate on the Duke of Richmond's motion, which had been interrupted by such an awful incident, was resumed on the following day. It is remarkable only as shewing

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that the Opposition were divided in opinion with regard to the essential point involved in the American war. The Duke of Richmond in the Lords, and General Conway in the Commons, represented the party which was for yielding at once, and without condition, the sovereignty of the thirteen States. Lord Shelburne, professing to speak the sentiments of Chatham, declared that from the moment England acknowledged the independence of America, her sun was set. Chatham, however, never committed himself to any such extravagant opinion. He considered the maintenance of the union of the two countries as involving to a great extent the honor of the one, and the prosperity of both; but long after the tendency and aim of the American insurrection became distinctly visible, Chatham repeated with undiminished emphasis, the principle upon which he had uniformly insisted, that the conquest of America by this country was impracticable. That he would have maintained the connection of Great Britain with her colonies as long as it was possible, there can be no doubt; but I cannot believe that he would have persevered in spite of experience, and in spite of his own reiterated opinion, founded principally on considerations of physical difficulty, similar to those which satisfy modern statesmen that the conquest of Russia by any European power is impossible. When he told the Commons and the Peers of England that they could not conquer

America, Chatham meant, that if America chose to cast off our yoke, we could not, by force of arms, compel her to resume it. The language which he repeatedly and advisedly used can bear no other and no more limited interpretation, without converting it into a mere rhetorical flourish.

The division.

The division on the Duke of Richmond's motion showed the growing disposition towards peace on the terms demanded by the Americans. The motion, though ostensibly opposed by the Government as well as the bulk of the Whig Opposition, was defeated by a majority of seventeen only in a house of eighty-three members. Every other motion relating to the American war, when supported by the whole Opposition, had been outvoted by a majority of more than two to one in the upper House.

Reform. Catholic emancipation. Free trade.

This session was remarkable for the partial agitation of the three great questions, the discussion and settlement of which have, in recent times, not only divided the legislature, and dissolved the old combinations of party, but convulsed society itself. Parliamentary Reform, Catholic Emancipation, and Free Trade were severally involved in certain proceedings of both Houses. The time, indeed, was still far distant when the first and last were to take their places as questions of paramount importance; but the just claims of the Catholics to be relieved from civil disabilities imposed as a precaution against temporary dangers,

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which had long since passed away, were now preferred with so much moderation and good sense, that a measure of partial relief passed both Houses without a dissentient voice. This concession, which only went the length of repealing certain penalties and disabilities created by an Act of William the Third,[b] of which many had become obsolete, and all were iniquitously oppressive, alarmed the jealous hatred of Popery, which the people of England have, for centuries, entertained. A spirit was thus aroused, which at once brought the whole Catholic question into prominence, and displayed the bigotry and ignorance of the people in an equally signal manner. Catholic Emancipation thenceforth became a party test. The Whigs, consistently with their principles, maintained the right of their Roman Catholic fellow-subjects to the restoration of those civil privileges which had been suspended during the perils of the Protestant succession; the Protestant succession being another word for limited monarchy, for the liberty of the subject, and the ascendancy of the laws. The Tories, who opposed the Exclusion Bill, and every other measure which tended to place the Sovereign in subordination to our religion and laws, were, perhaps, equally consistent in abetting and supporting the King, to whom they had at length transferred their allegiance, in resisting the just claims of a portion of his subjects. For the King

[b] 11 & 12 Will. III., c. 4.

himself, and the perpetuation of that policy which was the main object of his reign, nothing could be more opportune than the rise of the Catholic Question at this particular period. The influence which he had acquired by the concurrence of the people with his arbitrary views on the Colonial Question had begun to subside with the failure of those boastful anticipations which he had encouraged with reference to the war; just at this time, another subject, which had nearly been disposed of, almost without discussion, in accordance with the plain dictates of justice and common sense, was suddenly and unexpectedly exalted to a domestic question of the greatest magnitude and interest. Upon this question, the bigotry and intolerance of George the Third exactly coincided with the bigotry and intolerance of the bulk of the people. The principles of 1688, by an absurd perversion of their meaning, were appealed to in support of religious proscription; and a temporary and exceptional case was cited as a leading precedent for the eternal exclusion of loyal and honorable men from the benefit of the constitution. The Catholic Question served the purposes of George the Third for the remainder of his reign. It enabled him to form and break up administrations, to gratify personal malice, and to exclude from the public service some of the foremost statesmen in the country. His mind, like that of James the Second, was so constituted as to be incapable of deriving a practical lesson from expe-

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rience; and had he lived and governed in 1829, he would, probably, have risked a far more dangerous dismemberment of the empire than that of 1783, before he would have permitted the Duke of Norfolk or Mr. O'Connell to take their seats in the Parliament of the United Kingdom.

State of the navy.

Early in the session, the attention of both Houses had been directed to the state of the navy, more especially with reference to the contract departments. It appeared, on enquiry, not only that gross extortion, but positive fraud, had been practised by many of the contractors for the public service; and these abuses were attributed, no doubt to some extent, justly, to the connection between the contractors and the House of Commons. A bill was accordingly introduced by Sir Philip Clerke, a member of the Opposition, designed to remedy an evil and a scandal, the existence of which was so immediately detrimental to the public interests. The proposal was not to disqualify all contractors from sitting in parliament, but those only who had obtained their contracts otherwise than by competitive tender. So great was the public indignation and disgust at a system which exhibited parliamentary corruption in its most mischievous form, that even the House of Commons, ordinarily so dead to every patriotic emotion, shewed a desire to adopt the moderate and discriminating bill of Sir Philip Clerke. All the exertions of the Government could not prevent the bill from being read a second time; but on the

question of the commitment, they so far prevailed as to throw it out by a majority of four.[m] Ch. 22. 1778

Encouraged by this success, a motion in the same direction, but of a very different character, was made by Mr. Gilbert. He proposed, in the Committee of Supply, that during the continuance of the war, a tax of twenty-five per cent. should be imposed on all pensions, and on all salaries and fees of office exceeding two hundred pounds a-year. The iniquity and absurdity of such a proposal are manifest. To involve in the same confiscation salaries and pensions which were earned by actual services, or were the rewards of past services, with salaries and pensions which were merely colorable bribes or the wages of corruption, was an attempt to remedy a gross abuse by a gross injustice. Yet such was the growing impatience of parliamentary placemen, that this motion was carried in the Committee by a considerable majority; and the Government barely succeeded, by summoning their followers, in rejecting it on the Report. But it is to these discussions, that the rise of the great and vital question of Parliamentary Reform may be clearly traced. Proposal to tax pensions.

The other remarkable debate, to which I have referred, arose upon a motion by Lord Nugent for a revision of the laws by which the trade and commerce of Ireland were regulated. The narrow Trade of Ireland.

[m] The numbers were 113 to 109.

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and selfish policy of the commercial system, imposed various restraints upon the trade of Ireland to prevent its entering into competition with the trade of Great Britain; and these restrictions were justified on the ground that Ireland being less heavily taxed than England, would obtain an unfair advantage if she was allowed to enter the foreign market on equal terms. This reasoning, which had not yet been refuted by the facts and arguments of political economy, coincided with the spirit of monopoly, which sought not only to exclude all other people from any participation in the benefits of British commerce, but desired to render the trade of whole provinces subservient to the purposes of British merchants. I have elsewhere endeavoured to shew that resistance to this greedy and intolerant spirit, far more than any constitutional scruple, was the main cause of American independence. Ireland, lying under the iron grasp of her mighty neighbour, had no means of resistance, such as the vast, unwieldy provinces at the other side of the Atlantic could command; and it was only by a chronic state of rebellion, seldom breaking into open insurrection, that Ireland could vex her oppressor. Hardly any Irish product which competed with English manufacture was allowed either to enter England, or to be exported to any foreign market which received British goods. The consequence of this unnatural restraint was, that Irish industry languished; and the people of

that beautiful and fertile island, reduced for the most part to the level of mere subsistence, remained in a hopeless state of depression and misery. So scanty were their resources, that the privation of a trade of a few thousand pounds a year which they had lost by the American war, had reduced them to the brink of ruin; and the apprehension that the inhabitants, in their despair, might abandon the soil and emigrate to a foreign land, began to be seriously entertained.

Prohibitory duties.

In these circumstances, Lord Nugent, an Irish peer, who sat in the House of Commons, proposed a measure of relief, consisting in the removal of certain prohibitory duties upon some of the staple articles of Irish manufacture. The measure was readily assented to by Lord North, and, with a few exceptions, obtained the acquiescence of the House of Commons.

But when the bill became known throughout the country, it encountered a very different fate. All the manufacturing and trading towns treated the bill as an invasion of their vested rights, and a clamour was raised from one end of the country to the other. The table of the House of Commons was loaded with petitions against the bill. The great towns of Manchester, Liverpool, Bristol and Glasgow, took the lead in resisting this first step in the direction of free trade. They demanded to be heard by counsel. Those towns which were represented in Parliament, peremptorily instructed their members to oppose the Bill.

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Class-opposition.

The opposition of a class, however senseless or selfish, is generally successful in Parliament. The experience of every man who has sat a few years in either House, will furnish many examples of measures, unquestionably beneficial to the public, which have been postponed, compromised, or altogether defeated, through influence which ought not to have prevailed. Even the Parliament of 1778, though, from the comparative closeness of its constitution, far less accessible to popular or class-influences than the Parliaments which have sat since the Reform Act, was, nevertheless, capable of being acted upon by a strong pressure from without; and this bill, recommended as it was by policy, if not by humanity, in regard to the sister-kingdom, and founded as it was on principles most conducive to the interest of the short-sighted and self-seeking traders, who threatened to become disloyal subjects if it were allowed to pass into a law, shared the fate of many other good measures. All the provisions intended to afford scope to Irish industry and enterprise were omitted, and some trifling concessions only were vouchsafed. Burke, with a courage and integrity rarely found among public men, supported a measure which he knew to be wise and just, although his constituency at Bristol required him, with menaces, to desist from a course which they considered detrimental to their particular interests. It was in vain that he demonstrated to them by unanswerable argument what their in-

terests really were; that he explained to them how the duty of a member of Parliament required him to consult the interests of the whole country; that he defined the true relations of the constituent and the representative. Ignorance and prejudice, as usual, for the time prevailed; and at the ensuing general election, Burke was rejected from the representation of Bristol.

Return of Burgoyne.

In the course of this session, General Burgoyne, who had returned to England on parole, pending the adjustment of certain difficulties which had arisen with regard to the fulfilment of the treaty of Saratoga, made his appearance in the House of Commons. Having failed in the military enterprise which he had undertaken, and by his failure greatly retarded, if not ruined the British cause, he met but a cold welcome. He was not received at Court; he was denied the Court of Enquiry for which he applied; but, having the advantage of a seat in parliament, he appealed to the House of Commons from the decision of the military authorities. It was natural that General Burgoyne, actuated by the proverbial sensitiveness of military honor, should be impatient to seize the earliest opportunity of vindicating his conduct; but it was obvious that the General's personal vindication could not be separated from the whole history of the expedition; and all the papers relating to the expedition and the northern army were not yet before the House. Burgoyne, however, who was a ready and practised speaker, defended himself

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with skill and address; but, as a great part of his case rested on his own statement of facts, upon which the House was imperfectly informed, the debate, as far as he was concerned, could have no practical result. The motion which was made by Mr. Vyner was for a committee to enquire into the proceedings of the northern army, the convention of Saratoga, and the means by which General Burgoyne obtained his release. The answer of Lord George Germaine was that such an enquiry was more properly one for a military tribunal than a parliamentary committee; and the House assented to that opinion. Lord George, in the course of his speech, treated Burgoyne with very little respect. The General, in denying the charge made against his Indian followers of having committed barbarous outrages, referred to the testimony of St. Luc, the Canadian officer, who had commanded the Indians. Upon this point, Lord George replied, that St. Luc had waited on him, and described the General as a brave man, but dull as a German. The whole subject underwent a full discussion in the following year, when it became ripe for enquiry.

Resignation of Lord G. Germaine.

The failure of Burgoyne's expedition had, before this debate took place, led to Lord George Germaine's resignation. The preferment of Burgoyne to the command of the northern army had been followed by the removal of Sir Guy Carleton from the government of Canada. That distinguished officer, indignant at the slight which

he justly considered had been put upon him, had written to the minister in terms of such asperity and insubordination that his recall became a measure of indispensable necessity. The King, however, took the first opportunity of marking his sense of Carleton's merit by conferring upon him the sinecure government of Charleston. Probably, indeed, His Majesty's intention was more to mortify Germaine than to gratify Carleton. Certainly he was willing to avail himself of a pretext to be rid of a minister whom he disliked, and whose arrogance and ill-fortune added to the discredit of the Government. The hint was immediately taken. Lord George, grown more haughty and impetuous as he advanced in years, resented the compliment paid to Sir Guy Carleton as an insult to himself, and tendered his resignation, which was readily accepted. The difficulty, however, of providing a successor to an office so unenviable, in existing circumstances, as that of Colonial and War Minister, proved insuperable; and, consequently, the resignation did not then take effect.

Carleton rewarded.

CHAPTER XXIII.

INTRIGUES AGAINST WASHINGTON — FAILURE OF THE CONCILIATORY COMMISSION — SIR H. CLINTON EVACUATES PHILADELPHIA — DISSENSIONS BETWEEN THE AMERICANS AND THE FRENCH — OPERATIONS OF THE CHANNEL FLEET — COURT MARTIALS ON THE NAVAL COMMANDERS — SPANISH MANIFESTO.

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Movements of Washington.

AFTER the battle of Germantown, Washington retreated to a strong position called Whitemarsh; and Howe, after one or two ineffectual attempts to dislodge him, retired into his winter quarters at Philadelphia. The American army, which was in no condition for active operations during the winter, was likewise withdrawn into quarters; but Washington, still desirous of observing the movements of the enemy, selected a desolate spot called Valley Forge, among the hills, about twenty miles from Philadelphia. Here, amidst a wilderness covered by frost and snow, an encampment was cleared by the half-starved and half-naked army. All Washington's representations as to the total inefficiency of his commissariat were, at this time, treated by Congress with neglect, or answered with taunts for going into winter quarters at all.

The truth is, that a faction, chiefly composed of representatives from the Northern States, had lately been formed against that illustrious man to whose fortitude, perseverance, and integrity his country was mainly indebted for the ultimate achievement of their liberties. The object of this cabal was to supplant Washington, and place Gates at the head of the army. The success of Saratoga was, of course, the ground upon which Gates's pretensions were placed. Gates, who was a man of small military capacity, had been refused the promotion to which he considered himself entitled; and his animosity towards the Commander-in-chief found vent not only in open disrespect, but in secret intrigue. Contrary to all military etiquette, he had reported the surrender of Saratoga direct to Congress, and neglected to make any communication whatever on the subject to his superior in command. An expedition to Canada was planned without consulting Washington, or even informing him that it had been determined upon. Attempts were made to detach Lafayette from his connection with Washington by offering him the command of this expedition.

Cabal against Washington.

Lafayette, who, whatever may have been his faults, was a gentleman, would have declined an offer, the object of which plainly was to separate him from his chief; nor would he accept it without the express permission and approval of Washington. When the young French nobleman repaired to Gates's camp, at Yorktown, he was

Conduct of Lafayette.

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received with extraordinary marks of attention and respect. A grand entertainment was given in his honour. Anticipations of success and glory, such as had not yet attended the American arms, were loudly boasted from all sides of the table. The wine circulated; toasts were drunk. 'One yet remains,' said the Marquis de la Fayette. All glasses were immediately filled to the brim; and every one was in anxious expectation of the toast. 'The Commander-in-chief of the American armies'! cried Lafayette. The countenances of all immediately fell, and the toast was drunk in solemn silence.[a]

All these vauntings, as might have been expected, had no solid foundation. When Lafayette arrived at Albany, instead of a force of two thousand five hundred men in a complete state of equipment, which he had been promised, he found twelve hundred half-clad wretches without arms or discipline. With a Parisian sensibility to ridicule, Lafayette was immediately seized with the dread of becoming the laughing-stock of his countrymen, when the character and quality of the brigade, which he was to lead to glory through a wilderness, and over a frozen lake, became known; and his letters to Washington on the subject are conceived in terms themselves abundantly ludicrous.[b]

[a] IRVING'S *Life of Washington*. The reader will recollect a similar scene in fiction, when Cedric, the Saxon thane, gives the health of King Richard in the camp of John. *Ivanhoe*, vol. i.

[b] 'I am afraid,' he says, after describing the state of the

The plan was abandoned, and Lafayette returned to head-quarters. Ch. 23. 1778

At no period of the war, perhaps, were the magnanimous patience and perseverance of Washington more signally manifested than during this winter. His army, reduced by the usual desertions at the close of the year, and still farther wasted by cold and famine, could with difficulty be restrained from open mutiny, in consequence of the hardships to which they were exposed. All this time, the party, which from the first had thwarted his influence in Congress, and eagerly seized every opportunity of disparaging his conduct, were more than usually active, and had at length obtained the ascendancy in its counsels. It was intended by means of the expedition to Canada, of which Washington was first informed by a letter from Gates, enclosing the offer of the command to Lafayette, that a ground should be laid for elevating Gates, or Conway, or some other Non-success of intrigues.

expeditionary force, 'that I shall be laughed at. My fears upon the subject are so strong, that I would choose to become again only a volunteer.' In a subsequent letter, he dwells still more upon this point. 'I have written lately to you my distressing, ridiculous, foolish, and, indeed, nameless situation. I am sent, with a great noise, at the head of an army for doing great things: the whole continent, France and Europe herself, and, what is worse, the British army, are in great expectation. How far they will be deceived, how far we shall be ridiculed, you may judge by the candid account you have got of the state of our affairs.' Washington, in his replies, good-naturedly soothed the wounded vanity of his young friend.

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creature of the cabal to the head of the army. But the ridiculous failure of the Canadian scheme saved the American cause from the disastrous consequences which would probably have followed the removal of Washington. This event entirely disconcerted the intrigues of the low and factious minds, which could not endure the superiority of virtue and merit. A reaction took place; the better spirit of Congress prevailed; and in the spring of 1778, they gave their general an amount of moral as well as material support, which they had not before extended to him.

British army at Philadelphia.

While Washington, from his dreary camp at Valley Forge, still intent on duty, was watching for any movement on the part of the enemy, Sir William Howe and his army were revelling in the luxuries of Philadelphia. Gaming, and irregularities of every description, caused great scandal to the primitive and puritanical inhabitants of the city, who had been accustomed to the stiff decorum of the provincial delegates. Howe appears to have maintained a lax discipline, and probably felt but little interest in an army which he was about to leave. He had expressed much discontent with the Government, for not having given him sufficient support; and, at the close of the past year, had written home, requesting that his successor might be appointed. His resignation had been accepted; and, when the necessary arrangements could be made for the next campaign, he was informed that Sir Henry Clinton would assume the command.

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Appointment of Clinton to the command.

The appointment of Clinton was not calculated to improve the prospects of the British army. The estimation in which he was held by the enemy may be inferred from an anecdote which is related. Washington, having ascertained that the quarters of the British General were open to a surprise, proposed to his aide-de-camp, Colonel Hamilton, a plan for taking him prisoner. The colonel admitted that the scheme was perfectly feasible; 'but,' said he, 'have you considered the consequences of it?' 'In what respect?' enquired the American General. 'Why, we shall rather lose than gain by removing Sir Henry from the command of the British army, because we perfectly understand his character; and by taking him off, we only make way for some other, perhaps an abler officer, whose disposition and character we have to learn.' Washington admitted the force of this objection, and the attempt was not made.[c]

Arrival of British Commissioners.

Soon after Sir Henry Clinton's arrival at headquarters, the three British Commissioners, appointed under the recent Act of Conciliation, landed at Philadelphia. The selection of persons for the conduct of such a difficult negotiation was not very fortunate. The Earl of Carlisle was a young and accomplished nobleman, but inexperienced in affairs; nor would it fail to be remembered in America, that a little more than a year

[c] W. Irving's *Life of Washington.*

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previously, and after the Declaration of Independence, this Lord had moved the Address in answer to a Royal Speech, which denounced the Americans as rebels and traitors. His own language on that occasion had been fully in accordance with the language which was uttered from the throne; and he is reported, in particular, to have spoken with warmth of the insolence of the rebels, in refusing to treat with the Commissioners appointed by His Majesty.[d] The second Commissioner, Mr. Eden, was under-secretary to Lord Suffolk, who, in his place in Parliament a few weeks before, had declared that he would not deign to enquire where a congress of vagrants was to be found; and whose still more memorable defence of the employment of savages in the American war had drawn from the expiring voice of Chatham a rebuke, which was on the lips of every man through the length and breadth of the Union. Johnstone, who ranked third in the Commission, had been a colonial governor, and, as a member of the House of Commons, had opposed the American war, as well as the other measures of the Government. But this gentleman, whose appointment was regarded as the one most likely to prove acceptable to the Americans, was very soon disqualified from taking any part in the proceedings of the Commission by a signal act of indiscretion. He had

[d] xv. *Parl. Hist.*, p. 1368.

taken upon himself, without the knowledge of his colleagues, to address private letters to two members of Congress, making overtures, and holding out a prospect of reward for their good offices in promoting the objects of the Commission. With another member he endeavoured to open a communication through the agency of Mrs. Ferguson, the wife of an English officer. This member was offered a bribe of ten thousand pounds, with other inducements, to aid the cause. The letters were laid before Congress, as were the particulars of the conversation referred to; and a resolution was passed, 'that it was incompatible with the honor of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esquire, especially to negotiate with him upon affairs in which the cause of liberty and virtue is interested.' A copy of this resolution was forwarded to Dr. Ferguson, the Secretary to the Commissioners, and drew from Johnstone a reply full of insolence and defiance. He ceased, of course, to take any farther part in the proceedings. The Commissioners, on their arrival at Philadelphia, found additional and unforeseen circumstances of discouragement to an undertaking which had never been very hopeful. In consequence of the expected war with France, orders had been sent from England to evacuate the capital of Pennsylvania; and these orders, of which no previous intimation had been conveyed to the Commissioners, were in process of execution

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when they landed. The Treaty of the sixth of February had also arrived in America, and had been hailed with the most enthusiastic joy and exultation. The Commissioners reached America before the rejoicing had ceased. They were treated with derision; Washington refused a passport to their secretary, Dr. Adam Ferguson, and their despatches were forwarded to Congress by an ordinary conveyance. The letter of the Commissioners, which was addressed to 'His Excellency the President and others the Members of Congress,' was couched in civil and deprecatory terms, conceding every claim which the Americans had made, with the exception of independence. But the reservation of this essential point rendered every other concession unavailing. So recently as the 22nd of April, when the draft of the Conciliatory Bill was communicated to them, Congress had passed some strong resolutions, pledging themselves to enter into no negotiation inconsistent with the declaration of the 4th of July; and the recognition of that act by France, which had since been formally signified to them by the ambassador of the Most Christian King, was not likely to abate their pretensions. The reply of the President to the British Commissioners was brief, decided, and haughty. It stated that nothing but the desire to spare a farther effusion of blood could have induced the Congress to read a paper containing expressions so disrespectful to his Most Christian Majesty, the

good and great ally of the States; or to consider propositions so derogatory to the honour of an independent nation. They added that the act of the British Parliament, the Commission, and the letter of the Commissioners, seemed to be founded on the assumption that the people of the States were the subjects of Great Britain; a pretence which was wholly inadmissible. The President concluded by saying, that his instructions were to inform the Commissioners that an indispensable preliminary to negotiations was an explicit acknowledgment by the King of Great Britain of the independence of the States, or the withdrawal of his fleets and armies.

The Commission closed.

To this short and plain-spoken answer, the Commissioners rejoined by a quibble as to the meaning of the word independence, and by an evasion of the alternative demand for the withdrawal of the fleet and army. The Congress resolved that no answer should be given to this letter. Thus the negotiation terminated; and the British envoys closed their mission of conciliation by publishing a manifesto, addressed to the Congress, the provincial assemblies, and the people in general, threatening them with the extremity of military rigour, if they prosecuted the war in alliance with France, and offering peace or pardon to any colony or individual willing to return to British allegiance.

Counter Proclamation by Congress.

A counter proclamation was issued by Congress. It was couched in terms of the bitterest

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invective, and declared that measures of retaliation and vengeance should be resorted to, if the menaces of the British authorities were carried into execution. Thus the practical effect of the Conciliatory Act was to exasperate the animosity which previously existed, and to extinguish the last spark of hope in the breasts of those on both sides of the water, who longed for the restoration of peace and concord.

Before the Commissioners returned to England, they made a formal requisition to Congress for the performance of the stipulations contained in the Convention of Saratoga. The most important of these stipulations was, that Burgoyne's army should be allowed a free passage to England from the port of Boston, on the single condition that they should not serve in North America during the war. But Congress sought by frivolous pretences to evade the performance of this engagement; their principal excuse was, that the Treaty must be ratified, and such ratification notified by the English Government to Congress. The real reason was, that the liberation of Burgoyne's army would merely operate as an exchange for the same number of troops in the garrisons and depôts of Great Britain. Any delay, therefore, in the arrival of such reinforcements was so much gained to the American cause; and the pretext, to which I have referred, was calculated to serve the purpose of indefinite delay. The ratification which Congress required was one which could not

be given without a recognition of their independence; and after such a recognition, the war would naturally terminate. It is hardly necessary to observe, that the pretext upon which the prisoners were detained was wholly indefensible. A treaty negotiated by ambassadors is sometimes referred for confirmation to the governments which they respectively represent; but such a ratification has never been held essential to the validity of the treaty, unless it is expressly reserved in the powers conferred upon the ambassador, or in the terms of the treaty itself. But a convention between two generals relative to the surrender of a post, or an army, or to any other arrangement of a purely military character, and which must immediately take effect, stood on a different footing; and its prompt and punctual fulfilment concerned not merely the national honour of the principals, but the personal honour of the immediate parties to the compact. Had General Gates possessed a proper sense of what was due to himself, he would have joined the English General in insisting upon a strict performance of the stipulation, upon the faith of which his gallant adversary had given up his sword; and, when the Congress refused to recognise the obligations of public honour, Gates should have resigned a commission, which he could no longer retain without disgrace.

Power of the Commissioners questioned.

The remonstrances of the British Commissioners on this head were met with the objection, that

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they had no power to give the satisfaction which Congress required. It was true that no such power was expressed in the Commission; nor was it necessary that it should be. If Congress had really thought it desirable to obtain a practical security for the fulfilment of any engagement into which Great Britain might enter, they must have been satisfied by the positive assurance tendered by the Commissioners. More than this, they had no right to expect. The Convention of Saratoga was made under circumstances necessarily inconsistent with the recognition of American independence, and the refusal by the Americans to perform their part of that convention, unless it was ratified in a way which involved the recognition of their independence, was to import a new term into the treaty, and to seek indirectly a concession of the whole question in dispute.

Departure from Philadelphia.

The preparations of Sir Henry Clinton for the evacuation of Philadelphia, in accordance with the orders which he had received from home, were completed in the summer, and the British army marched out without interruption; the advanced-guard of the Americans, under General Arnold, entering the city while the rear-guard of the British were retiring from it. Clinton's orders were to establish his head-quarters at New York; and the want of transports for the conveyance of his army, with a numerous train of American loyalists, who sought the protection of the British camp, obliged him to undertake a weary march through the

Jerseys. He was followed by Washington, and on the tenth day of the march, General Lee was ordered to make an attack upon the rear of the British army, at a place called Monmouth Court House. Owing to the mismanagement, or the wilful negligence of Lee, against whose opinion the movement was made, and who was thought capable of betraying his military duty to gratify his jealousy of Washington, the attack was an utter failure, and Lee's division would have been cut to pieces, had not Washington come up in time to save them. The loss on each side was about equal; and no military advantage was gained by either. Clinton, who continued in possession of the ground, decamped during the night, and the army reached New York on the fifth of July, without having encountered further interruption. No military operation of importance could take place until the movements of the French fleet, daily expected from Toulon, should be ascertained. This formidable squadron, consisting of twelve sail of the line, and six frigates, carrying a large number of troops, had passed through the Straits of Gibraltar on the fifteenth of May, and appeared off New York on the fifth of July. After changing their course two or three times, it was at length determined to make a grand attack on Rhode Island.

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The first enterprise of the allies, though well planned, and calculated, if successful, to have been productive of the most important events, not only

Rhode Island attacked.

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resulted in failure, but in such failure as had well nigh destroyed the alliance itself. The British garrison and depôt at Rhode Island, amounting to about five thousand men, were open to an attack; and it was arranged that the French fleet should advance up the main channel, and land the troops on the west side of the island, while ten thousand Americans, under General Sullivan, should cross the narrow strait called the Seaconnet Channel, which separated the island on the east side from the continent. This movement was carried into effect on the 8th of August; but the appearance of the British fleet, which had sailed to relieve the garrison at Newport, caused the Count d'Estaing to put to sea, with the view of offering battle. The intended operation before Newport was thus disconcerted; some of the American officers were for delaying the attack until the intended co-operation of the French fleet could be obtained; but the American General, irritated at the departure of the French Admiral at such a critical moment, determined to commence the siege. A violent storm, which lasted two days and nights, swept away a great number of his tents, destroyed several men and horses, and spoilt the ammunition which had been served out to the troops. The same storm separated the hostile fleets, and so damaged them that the English were forced to repair to New York, and the French to Boston, for the purpose of refitting. Sullivan and his general officers, with the excep-

tion of Lafayette, delivered an indignant protest against the departure of the French fleet under circumstances which must occasion the ruin of the enterprise. The Count d'Estaing, a proud and punctilious officer, highly resented a remonstrance which he considered alike presumptuous and disrespectful. He told the aide-de-camp, by whom it was presented, that the paper was such as imposed upon the Commander of the King's squadron the painful but necessary duty of profound silence. And he immediately set sail for Boston.

Departure of the French fleet.

The Americans viewed the departure of the French fleet with feelings of rage and disappointment; and General Sullivan was so rash as to give expression to these feelings in a General Order. Desertions from the American lines were the immediate consequence of this mortifying defection on the part of the French. Three thousand volunteers went off in a body; and in a few days, Sullivan's army was reduced in point of numbers to a level with the besieged. It was hopeless, therefore, to proceed; indeed, the only question with the invaders was, how they could best retreat from their perilous position. Nor did they effect this object without considerable loss.

Failure of the enterprise.

The failure of an enterprise so hopeful, caused deep disappointment; and Washington's estimate of it may be gathered from the following passage in a letter to his brother: 'An unfortunate storm,

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and some measures taken in consequence of it by the French Admiral, blasted in one moment the fairest hopes that ever were conceived; and from a moral certainty of success, rendered it a matter of rejoicing to get our own troops safe off the island. If the garrison of that place, consisting of nearly six thousand men, had been captured, as there was in appearance at least a hundred to one in favour of it, it would have given the finishing blow to British pretensions of sovereignty over this country; and would, I am persuaded, have hastened the departure of the troops in New York as fast their canvas wings could carry them away.'[e] Washington, however, used every effort to allay the irritation caused by the conduct of the French. He wrote to Sullivan and Greene, urging them to discourage all angry observations, and to cultivate the utmost harmony and good will with their French allies; and he addressed a letter to the Count d'Estaing, dictated in the most complimentary and respectful terms. The haughty Frenchman, however, resenting the insolence of the Americans, had no sooner repaired the damage done to his fleet, than he showed his utter contempt for the allies whose purposes he was expected to serve. He issued a proclamation to the people of Canada, inviting them to return to the allegiance of his sovereign. He then set sail for the West Indies, leaving the Americans

[e] W. Irving's *Life of Washington*, vol. iii. 464.

to form their own plans, and fight their own battles. The Congress, however, which had for some time past substantially delegated the conduct of the war to a committee, were so infatuated by the French alliance, that they urged upon Washington the expediency of co-operating with a French force in the reduction of Canada; and it was not without difficulty that they yielded at length to the reasons by which Washington demonstrated that such an undertaking would only dissipate the energies and resources of the States for an object in which they had no interest.

The campaign of 1778.

The remainder of the campaign of 1778 was frittered away in affairs of little importance, and none of which were attended with any practical result. Sir Henry Clinton sent out marauding parties, which achieved various small successes. Inferior posts were surprised, detachments were cut off, prisoners were taken; but the royal cause, so far from being advanced, was rather retarded by the wanton destruction of the enemy's property, and the irregularities which are usually committed by detached parties in an enemy's country. One act in particular, for which the British army were not responsible, nevertheless redounded to the prejudice of the cause in which they were engaged. The settlement of Wyoming, in the beautiful valley of the Susquehanna, was one of the most favoured spots in the continent of North America. A mild and fertile climate

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yielded in abundance all the necessaries of life, while a noble river formed one of the great natural highways of the country. Yet this region, so rich in the gifts of nature, was almost rendered uninhabitable by the perverseness of man. The rival States of Connecticut and Pennsylvania contended for so fair a district; and the discord of civil war was afterwards complicated by the divisions of Tories and Republicans. The Tories, being the weaker party, were driven from the Settlement; exasperated by ill usage, they joined a horde of Indians, and, led by Brandt, a semi-barbarous chief, they descended upon the valley, seized the military defences, and put the garrison to the sword. Another garrison having surrendered at discretion, the militia were massacred, with all the circumstances of treachery and cruelty which usually accompanied the triumphs of savages. Many houses, from which the inmates were not allowed to escape, were set on fire. Property of every description, including the fruits of the earth, was ruthlessly destroyed. The cattle were tortured and put to death. These outrages provoked retaliation. Settlements of royalists in Pennsylvania were attacked and destroyed by American detachments, but without the wanton cruelties perpetrated by the savages.

The French disliked by the Americans.

Two expeditions of importance were despatched by Sir Henry Clinton. The one was to the small southern state of Georgia, the other was against

St. Lucie, an island in the West Indies, belonging to the French. The capital of Georgia yielded, after a short resistance, and the troops of Congress, driven out of the province, retreated into South Carolina. The naval and military operations of the English before St. Lucie were equally successful; D'Estaing and his American allies sustained signal defeats both by sea and land; and the British took possession of the island.

On the whole, though no very important operations were undertaken by the English, the first campaign of the Americans, in conjunction with the arms of their renowned ally, was less successful in military achievement, and less productive of substantial results than the previous campaigns which they had carried on with their own unaided resources. And, at the close of the year 1778, it would have been difficult to determine whether their French allies or their English foes were more odious to the army, and the people of the States.

Warlike preparations of England.

Meanwhile, the measure which the first distant menace of a war with France naturally dictates, had been promptly adopted by England. Early in the year a Channel fleet had been formed, and entrusted to Admiral Keppel, an officer who, by universal assent was considered, from his long experience and high professional reputation, to be the best qualified for such a responsible command.

Keppel puts to sea. His indecisive action.

Keppel put to sea in June, with twenty sail of the line; but, after reconnoitring the French

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coast, and taking two frigates, he returned to Portsmouth. His reason for a proceeding so unusual and so unexpected was, that a French fleet far superior to his own, was prepared to receive him, and he thought it prudent to obtain reinforcements before risking an action. Ten sail of the line were speedily added to his squadron; and with this powerful armament the English admiral again sailed for the coast of France. In a few days he fell in with the French fleet, consisting of thirty-two ships of the line, being two more than his own; the French, however, it was said, were far superior in frigates. The action took place off Ushant on the 27th of July, and, after fighting for three hours without any decisive result, not a single ship having struck on either side, these great fleets sailed away from each other, the French to their own harbour of Brest, the English to Plymouth.

Public dissatisfaction.

The British people, entertaining, not without reason, great expectations from an enterprise of such magnitude, were astonished and indignant at such an inadequate result. Keppel, who had mentioned the conduct of Palliser, his second in command, with unqualified approbation, in the despatch which announced the engagement, now sought to divert the storm of public resentment from himself to his inferior officer. He sent a message to the First Lord of the Admiralty, offering to give private information on the subject. This offer was properly declined; nor

is it easy to understand upon what ground the admiral could justify such a proceeding. It would have been competent to him, had he thought fit to act in accordance with a very ordinary practice, to accompany his official despatch with a private letter to the minister; but he had no intelligible pretence for inviting Lord Sandwich to an unofficial correspondence upon a subject, every detail of which was of the highest public interest and importance. And if, as there is too much reason to believe, Keppel's object was to screen himself by inculpating one of his officers, such a proposal was wholly inexcusable. Ch. 23. 1778

The matter could not be allowed to rest. It became a subject of party conflict in Parliament and with the press. Keppel and Palliser were both members of the House of Commons. Keppel belonged to the Whig opposition; but, from his experience, his former services, and his great popularity with the fleet, he had been designated for the chief command in the Channel, from the moment when war with France appeared imminent. Palliser, on the other hand, was attached to the Court party, and had been taken from the Board of Admiralty to command a division under Keppel. The attacks on the Commander-in-chief and the invidious eulogies upon his lieutenant, which appeared in the newspapers, provoked a retort from an anonymous writer, said to be an officer who had been in the action of the 27th of July. This paper contained circumstan- Keppel and Palliser.

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tial details, attributing the inconclusive result of the engagement to misconduct and disobedience of orders and signals on the part of Palliser. To refute these aspersions, Palliser required his chief to sign a paper containing a full and particular exculpation of his character from the charges contained in the paper referred to. With this request Keppel peremptorily refused to comply; upon which Palliser published his own version of the affair in the public prints. And, as the letter contained both directly, and by implication, severe censure on the conduct of the Commander-in-chief, Keppel immediately wrote to the First Lord of the Admiralty, demanding a court-martial, or a court of enquiry.

Lord Bristol defends Keppel.

Parliament having assembled for the autumnal session at the period when the controversy had reached this point, the matter immediately became the subject of discussion in both houses. Lord Bristol, on the first day of the session, reiterated Keppel's demand for official enquiry. The motion was resisted by Lord Sandwich, on the ground that no charge was made against the Admiral, who, he said, had fully discharged his duty, and had gained a victory, which had been attended with the important result of protecting trade and clearing the Channel of the enemy's ships. He also expressed his entire approval of the conduct of the Vice-Admiral, and referred to the official letter of the Commander-in-chief as a corroboration of his opinion.

The same subject was brought forward in the Commons, when the vote for the naval service afforded the admirals an opportunity of defending their conduct. Keppel took high ground, declaring that if the action of the 27th of July were to be fought over again, he would not change his mode of proceeding. He declined entering into details; but was ready to give explanation upon any particular either in or out of the House. He desired also to be excused from pronouncing an opinion upon the conduct of any officer; nevertheless he censured Sir Hugh Palliser in the severest terms, for having published a letter in the newspapers most unfair to himself and subversive of all discipline. He gave Palliser credit for personal courage, but intimated, plainly enough, that he was deficient in any other quality of a naval officer.

Palliser accuses Keppel.

Palliser retorted in the same strain; and, a few days after, preferred formal charges against his chief. These charges, five in number, were summed up 'as instances of misconduct and neglect, by which a glorious opportunity was lost of doing a most essential service to the state, and the honour of the British navy was tarnished.' Upon charges of such gravity, brought forward as they were, by such high authority, the Government had no alternative but to order a court-martial.

Keppel tried by Court-martial.

Public feeling was excited to the highest pitch by these proceedings; and, from the first, the tide

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of popularity ran so strongly in favour of the Admiral, that the case was prejudged long before it was tried. It was pretended by those who knew better, and believed by people who are ready to believe anything which falls in with their passions and their prejudices, that the prosecution had been instigated by the Government for the purpose of ruining the professional reputation, and, possibly, shedding the blood of a gentleman who voted against the Court. Not content with asserting that his accusers were actuated by blind malice, the friends of Admiral Keppel extolled him in language which might have been considered exaggerated, if applied to Blake or Nelson in the height of their glory. The trial of Keppel was more like a proceeding celebrated in his honour, than a solemn enquiry which impeached his professional character, and affected his life. He was attended to Portsmouth by a train of friends, including two princes of the blood, and the most distinguished members of the Opposition. The court-martial lasted thirty-two days, and resulted in a complete acquittal.

Public rejoicings.

There were great rejoicings on this event. London was illuminated for two nights; and those persons who had been hostile or were supposed to have been hostile to the Admiral experienced the displeasure of the populace in the usual way. The windows of their houses were demolished; and, in some instances, the houses themselves were broken open and the furniture destroyed.

It is said that these riotous proceedings were conducted under distinguished auspices.[f]

As Keppel's defence had rested very much on the misconduct of his prosecutor, whose alleged disobedience of orders and neglect of duty prevented the full triumph of the British fleet, the consequence of Keppel's acquittal necessarily was that Palliser claimed to have his conduct submitted to the judgment of a court-martial. This being granted, the Vice-Admiral immediately vacated his seat in Parliament, and resigned his place at the Admiralty. His trial, which lasted three weeks, resulted in a qualified acquittal. But there were no manifestations of feeling on the occasion. The time had arrived when, according to an uniform experience, which may almost be

[f] 'It happened at three in the morning that Charles Fox, Lord Derby, and his brother Major Stanley, and two or three more young men of quality having been drinking at Almack's, suddenly thought of making a tour of the streets, and were followed by the Duke of Ancaster, who was very drunk, and, what showed it was no premeditated scheme, the latter was a courtier, and had actually been breaking windows. Finding the mob before Palliser's house, some of the young lords said, 'Why don't you break Lord G. Germaine's windows?' The populace had been so little tutored, that they asked who he was; and, being encouraged, broke his windows. The mischief pleasing the juvenile leaders, they marched to the Admiralty, forced the gates, and demolished Palliser's and Lord Lisburne's windows. Lord Sandwich, exceedingly terrified, escaped through the garden, with his mistress, Miss Ray, to the Horse Guards, and there betrayed most manifest panic.'—Lord John Russell adds, that the late Mr. Thomas Grenville participated in this riot at the Admiralty.'—Fox's *Cor.* vol. i. p. 224.

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called a moral law, the reaction of an over-excited public opinion was to take place. If the popular idol is a man of real mark, the transition is probably to the other extreme; if he is a thing of wood or straw, he falls down and is forgotten. The bloated popularity of Keppel soon collapsed. After the trial he was neglected, or fancied that he was neglected, by the Government. He addressed a letter to the King; he addressed a bitter remonstrance to the Admiralty; but his complaints were received as coolly by the public as they were by the authorities. Finally he tendered the resignation of his command. His resignation was accepted; and all persons, except perhaps his personal friends, seemed to be agreed by this time, that it was as well the command of the fleet should not be resumed by an officer who, from whatever cause, had failed to take advantage of an opportunity for striking down the naval power, and humbling the pride of our great adversary.

Keppel's conduct blameable.

The court-martial had reference only to Keppel's conduct on the 27th of July; and, upon the finding of that court-martial, I am not competent to offer any criticism; but the discretion exercised by the Admiral in quitting the coast of France, on the 27th of June, and which discretion had not been the subject of official enquiry, seems open to very grave censure. According to Keppel's statement at the court-martial, he learned from the papers of the Licorne, one of the French frigates

which he captured on the 13th of June, and from other intelligence, that the enemy's force, in Brest roads, amounted to thirty-two sail of the line, with a large number of frigates. The Licorne's papers were not produced at the trial, nor did the Admiral state the nature of the corroborative information upon which he took the important step of retreating to the coast of England. He might have taken measures to ascertain the accuracy of an account which was not very probable, considering that no declaration of war had yet been proclaimed. And, even if such intelligence was not attainable, it did not follow as a necessary alternative, that he should make a precipitate retreat, and thereby abandon to their fate the fleet of merchantmen which was daily expected in the Channel. There was no sufficient reason why he should not have sent home for reinforcements, still keeping at sea, and avoiding an engagement, if he found himself opposed to an overwhelming force of the enemy. The number of French ships of the line engaged on the 27th corresponded exactly with the papers of the Licorne. They were thirty-two. But were all these ships in Brest roads, and ready for action six weeks previously? Keppel stated, before the court-martial, that the French fleet left Brest on the 8th of July; from which it would appear that they were not equipped in the middle of June. The question was, whether the British admiral, with twenty sail of the line, in the month of June, was in a condition to encounter

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the enemy? If the latter had thirty-two, or even twenty-seven[g] line of battle ships *in the road*, it may perhaps be admitted that Keppel exercised a prudent discretion in declining to risk an action when his defeat would leave the enemy in possession of the Channel. A Hawke or a Nelson would probably not have scanned the difference so nicely; certainly they would not have thought it necessary to return to port on a doubtful statement that anchorage had been ordered by the enemy for a few more ships than they happened to have under their immediate orders. The people of England are proud of their navy; but they are jealous of the noble service which they love. Their sentiments are justly expressed in the simple language of their favourite hero. They

[g] The resolution of censure on the Admiralty, proposed by Fox, on the 3rd of March, affirmed that the French fleet, in June, consisted certainly of twenty-seven sail, if not of thirty-two. I have not been able to discover the ground upon which this assertion of the lesser number is based.

I have before me some comments by Mr. Orde, who was shortly afterwards Under-Secretary of State, and subsequently Secretary to the Treasury, and Secretary for Ireland, on the account of this transaction in the *Annual Register* of 1779. Mr. Orde, a remarkably accurate and painstaking minister, from whose papers I shall hereafter have occasion to quote, mentions it as a well-known fact, that the papers of the Licorne referred only to French ships which were *fitting*; that not one half of the number specified were ready for sea; and, consequently, that Keppel's force was superior to that of the French during the month of June. Mr. Orde adds, that Keppel's statement of the French force in frigates being numerically treble those under his command, was wholly without foundation.

expect every man to do his duty. But their standard of duty was high even before Nelson had illustrated its meaning. Had it not been for the intermixture of party-spirit, Keppel, so far from obtaining applause to which he was certainly not entitled, might have experienced a recurrence of the jealous fury which was wreaked on the incapacity of Byng.

Debates on America.

The affairs of America, complicated as they had become by a war with France, were discussed at great length, and in various modes, by both Houses of Parliament. The British Commissioners having wholly failed in their message of peace, necessarily incurred a great deal of censorious criticism. One unfortunate passage in the proclamation which they had addressed to the people of America, after their attempt to open a communication with Congress had been repelled, became the subject of severe animadversion. In that unfortunate document, the Commissioners intimated, that in consequence of the alliance of America with the enemy of Great Britain, the character of the contest was changed, and the question was, how far Great Britain might by every means in her power, destroy or render useless a connexion, contrived for her ruin, and the aggrandisement of France. This significant passage was eagerly interpreted by Congress as menacing a war of devastation; and they issued a manifesto, declaring that if the enemy presumed to execute his threats, or persisted in his present

Ch. 23. career of barbarity, they would take such exemplary vengeance as would deter others from a like conduct. The impolicy as well as the inhumanity of such language, uttered by men who had been sent out as messengers of peace and conciliation, were loudly denounced in Parliament. The Ministers did not attempt to defend the intemperate proceedings of the Commissioners; on the contrary, they affected the greatest astonishment that such an illiberal construction should be placed on language so moderate and humane; but while the conflict as to the meaning of terms, which were sufficiently plain, was still warmly maintained, Governor Johnstone, actuated only by hatred towards the Congress, from which he had recently endured the humiliating rebuke referred to in a former page, rose up and accepted the interpretation put upon the manifesto of the Commissioners in all its latitude. The Proclamation, he said, did mean a war of devastation; it meant nothing else; it could mean nothing else; the measure was right and necessary; and he only regretted that he had not been on the spot, when the Proclamation of his late colleagues was issued, that he might have sanctioned it with his concurrence. This avowal, however unexpected and unwelcome, could not have taken the Government by surprise, as it was notorious that Johnstone, on his return from America, had obtained great favour at Court by expressing the utmost contempt for

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the Americans, and confident assurances that a little firmness and vigour only were required to reduce them to submission. The Opposition took advantage of the public manifestations in favour of Admiral Keppel to make a violent attack on the naval department. Fox moved a vote of censure on the Admiralty, for sending out an inadequate fleet to encounter the powerful armament ready for sea in the habour of Brest. The answer was a denial of the assumption on which the motion was founded, and certainly the papers of the French frigates, when produced, were sufficiently ambiguous to admit of either construction. It did not appear, however, in the course of the debate, that the Admiralty had taken much pains to inform themselves as to the preparations in the French harbours; and so strong was the impression that the naval service had been neglected, that the vote of censure would have been carried, had not Lord North, near the close of the debate, caused it to be intimated to his supporters, that he should consider a condemnation of Lord Sandwich as involving that of the whole Administration. The division, nevertheless, shewed an ominous decrease of the Ministerial majority, the motion being defeated only by thirty-four.

Naval and military affairs.

Both the military and naval administrations were the topics of repeated discussions in Parliament throughout the session. The Admirals and Generals who had not been fortunate in

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acquiring any great honour to themselves, or advantage to their country by their professional achievements, shewed considerable ingenuity in charging their respective failures to other causes than negligence and incapacity on their parts. General Burgoyne was very eloquent in deploring the fate of the country brought to the brink of ruin by the corruption and ignorance of the Government. He failed, however, to convince either the House or the country that the disaster of Saratoga was entirely attributable to the misconduct and improvidence of the Government. Sir William Howe, likewise, challenged a full inquiry into his military conduct during the period which he had held command. The Minister in vain pointed out what ought to have been sufficiently obvious, that the House of Commons was wholly unfitted to enter upon such an inquiry. Discontented at the ill success of the war, and impatient of its continuance, the House shewed an eager disposition to cast upon the Government the odium and responsibility of military miscarriages, as well as of political blunders. Lord North, finding the House in this temper, yielded to their wishes, and it was resolved that the whole history of the American war should be the subject of inquiry at the bar. Such a proceeding could not possibly be attended with a satisfactory result. A great number of officers of every rank were examined on both sides, and after this desultory inquiry had lasted

several weeks, the House adjourned without having arrived at any resolution upon the matter.

Charge against Lord Sandwich.

The crimination and recrimination of Admiral Keppel and Sir Hugh Palliser afforded an opportunity for the party attack upon the Admiralty, to which I have already referred. The Opposition having met with so much encouragement on that occasion, followed up the attack, and charged Lord Sandwich not only with misconduct in having made inadequate provision for the Channel fleet, but with malversation in the affairs of Greenwich Hospital. These charges wholly failed in the proof. In fact, Sandwich though profligate, and careless of decency in his private habits, was a remarkably industrious and honest minister.

Rupture with Spain.

While these party contentions were at their height, the Spanish ambassador announced his immediate departure from London, and, at the same time presented a manifesto, which was, in effect, a declaration of war. This event had been long expected as the necessary consequence of the rupture with France. The Court of Madrid had, for some months past, been invested with the character of mediator between France and England; a character, the assumption of which could hardly have blinded the English Government to the real designs and sympathies of that power. The insincerity and bad faith of the Court of St. James's throughout this negotiation, were, indeed, prominently referred to in the paper pre-

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sented by the Spanish ambassador, as a principal justification of the step which his Government had taken. The rest of the paper, which was of great length, was stuffed with a quantity of minute grievances, most of them so frivolous that the statement of them would have been merely ridiculous, had they not been employed to cover the real reason and the true policy of the Spanish Court, which were patent to all Europe.

Public alarm.

The promulgation of the Spanish Manifesto spread consternation throughout the country. For three years the naval and military power of the empire had been fully occupied in efforts to reduce the insurrection of an undisciplined militia; what resources then remained available for an encounter with the two great military monarchies of Europe, in alliance with the all but triumphant colonists of North America? An immediate invasion of England, the last calamity of war which could befall the kingdom, was, by the admission of the minister himself, a possibility against which it was necessary to provide. A bill for doubling the militia, and a bill for extending the power of impressment, by taking away the exemptions enjoyed by several classes of seamen, from compulsory service in the royal navy, were immediately passed. These measures, the necessity for which was hardly questioned, nevertheless gave a new impulse to the Opposition, who clamoured more loudly than ever for the removal and punishment of the ministers. Lord North, when warned of

an event so probable as the concurrence of Spain with France, in the American alliance, had repelled the suggestion with scorn. He urged that the interests of Spain were entirely adverse to the cause for which the Americans were contending. Spain had valuable colonies of her own, and could never be so ill-advised as to encourage the resistance of the Americans to the authority of the parent state. And, independently of such a potent argument, he maintained that the sentiments of the Court of Madrid were entirely pacific and friendly to the English Government. But now that the principles of the Family Compact had prevailed over the particular consideration, Lord North spoke of the rupture with Spain as an event which could have taken nobody by surprise. Such gross want of consistency or candour necessarily became a topic of vehement invective; the blackest treachery and corruption, indeed, were openly imputed to the Government; and it was broadly insinuated that they had sold themselves and their country to France. In one of the debates upon the war, Lord North had used some conciliatory expressions towards the Opposition, and had even hinted at the possibility of a coalition. Fox repelled this suggestion with a scorn which is curious, considering what took place a few years later. I extract a passage which conveys a vivid idea of the vehement declamation which characterised the eloquence of this great parliamentary performer.

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'What!' cried he, 'enter into an alliance with Declamation of Fox.

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those very ministers who had betrayed their country; who had prostituted the public strength; who had prostituted the public wealth; who had prostituted what was still more valuable, the glory of the nation! The idea was too monstrous to be admitted for a moment. Gentlemen must have forgotten their principles and given up their honour, before they could have approached the threshold of an alliance so abominable, so scandalous, and so disgraceful! Did the noble Lord think it possible he could ally himself with those ministers who had led us from one degree of wretchedness to another, till at length they had brought us to the extreme moment of peril, the extreme verge of destruction? Ally himself with those ministers who had lost America, ruined Ireland, thrown Scotland into tumult, and put the very existence of Great Britain to the hazard? Ally himself with those ministers who had, as they now confessed, foreseen the Spanish war, the fatal mischief which goaded us to destruction, and yet had, from time to time, told Parliament that a Spanish war was not to be feared? Ally himself with those ministers, who knowing of the prospect of a Spanish war, had taken no sort of pains to prepare for it? Ally himself with those ministers who had, when they knew of a Spanish war, declared in Parliament no longer ago than last Tuesday, that it was right for Parliament to be prorogued, for that no Spanish war was to be dreaded, and yet had come down two days after-

wards with the Spanish rescript? Ally himself with those ministers, who knowing of a Spanish war, and knowing that they had not more than thirty sail of the line ready to send out with Sir Charles Hardy, had sent out Admiral Arbuthnot to America with seven sail of the line, and a large body of troops on board? Ally himself with those ministers, who, knowing of a Spanish war, had suffered seven ships of the line lately to sail to the East Indies, though two or three ships were all that were wanted for that service, and the rest might have staid at home to reinforce the great fleet of England? Ally himself with those ministers who knowing of a Spanish war, and knowing that the united fleets of the House of Bourbon consisted of at least forty; perhaps fifty, and possibly sixty sail of the line, had suffered Sir Charles to sail on Wednesday last, the day before the Spanish rescript was, as they know, to be delivered, with not thirty sail of the line, although if he had staid a week longer, he might have been reinforced with five or six, or as ministers themselves said, seven or eight more capital ships? To ally himself with men capable of such conduct, would be to ally himself to disgrace and ruin. Such an alliance would be something worse than an alliance with France and Spain, it would be an alliance with those who pretended to be the friends of Great Britain, but who were in fact, and in truth, her worst enemies.'

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Bill to prevent the marriage of divorced persons.

An attempt was made this session to check the license of the higher classes by penal legislation. The Bishop of Llandaff, the pious and able Shute Barrington, brought in a bill to prevent the marriage of a divorced woman with the adulterer. He founded his motion on the fact, that during the seventeen years of the existing reign, there had been as many divorces as had taken place during the whole former period from the Reformation. The Chancellor, Thurlow, strongly supported the bill, and stated that it was a common practice to enter into contracts of marriage in consideration of the breach of an existing marriage-vow. These addresses were called honourable, in distinction to those which were made without any engagement for marriage after divorce. Women so married were allowed the benefit of ante-nuptial settlements, and after the second marriages so contracted, they were received into society on an equality with the most virtuous of the sex. The facts were not disputed; but it was urged, that the remedy was the reverse of that which was proposed. So far from preventing the marriage of the guilty parties, a law should be passed to compel them to marry, as the most effectual punishment of their crime. It was urged with more reason against restrictive legislation, that the proposed restraint would be more likely to have the effect of causing the parties who had transgressed to continue in sin, rather than to deter them from the commission of

it. The bill passed the Lords, but in the Commons, it encountered great opposition. The gross immorality of the age was admitted, but every gentleman who took part in the debate had his own theory of immorality. One member attributed the alarming growth of vice to the Marriage Act, which prevented young people from marrying according to their inclinations. Another opponent of the bill considered there was as much connection between adultery and the Marriage Act as there was between Tenterden steeple and the Goodwin Sands, but felt quite convinced that the laxity of morals was owing to French fiddlers and dancing masters, who had demoralized our ball-rooms. The bill was rejected on the second reading. The vehemence with which Thurlow supported a measure promoted by the party which affected an extraordinary strictness of life and morals, has suggested a suspicion that his support of the bill was ironical.[h] The Chancellor had never been noted for the morality of his life and conversation. The 'abominable practice' of incontinence which he denounced in his speech, had been his own practice for a series of years; and at the very time when he adjured the House of Lords to discourage this crime by legislation, it was notorious that his own domestic arrangements were not free from scandal. There was something of malicious humour too to be de-

[h] Lord Campbell's *Lives of the Chancellors*, vol. v. 535.

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tected in his argument that their lordships, more than any other class of the community, were interested in the Bill. Considering also that Thurlow was fond of boasting his descent from a carrier, and that he had only recently in his place in Parliament sneered at noble birth as an 'accident,'[i] he must have spoken in a spirit of derision, when he advocated, with so much apparent zeal, the enactment of a law to preserve 'the purity of forty descents.'

Lord North's overture to the Whigs.

In the early part of the year, Lord North's increasing repugnance to continue any longer responsible for a policy, which for the last three years he had disapproved,[k] obliged the King reluctantly again to open a communication with some of the Whig leaders. But this negotiation, like that of the preceding year, was rendered futile by the conditions with which it was clogged. His Majesty's idea of a change of ministry was merely the substitution of one individual for another. A change of measures was absolutely prohibited. The Duke of Grafton might come into office, but he was to have no will of his own. Lord Howe might preside at the Admiralty, but on the express understanding that he should

[i] This passage occurs in his well-known speech in reply to the Duke of Grafton, who had taunted him with the meanness of his origin. Thurlow's retort is one of the finest bursts of extemporaneous eloquence extant. The speech is to be found in Lord Campbell's *Lives of the Chancellors*, and in the *Reminiscences of Butler*, who heard it.

[k] *Letter to the King, on Lord Gower's Resignation*, October, 1779.

zealously concur in prosecuting the war in all the quarters of the globe.[1] Such terms were mere mockery; and Lord North, afraid to meet the increasing difficulties of his position; afraid to retreat from it, remained in office, nominally at the head of affairs, but really the passive and servile tool of irresponsible power.

Combined fleets of France and Spain.

The combined fleets of France and Spain, consisting of sixty sail of the line, besides a large proportion of frigates and smaller craft, appeared in the Channel early in the summer. The English Admiral, having only thirty-eight ships of the line, did not think it prudent to venture upon an action. England had never appeared in such danger of invasion. But it afterwards proved that the danger was more apparent than real. The immense armament which insulted the coast, consisted in a great part of inferior ships, ill found and badly manned. Disease raged among the crews to such an extent, that many of the ships were little better than floating hospitals. No cordiality existed between the allied commanders, and no plan of operations appears to have been concerted between them. Had an enterprising and ardent officer been in command of the British squadron, he would probably have required some better reason for not fighting, than the mere fact that the enemy were superior in numbers and weight of metal. Sir Charles Hardy,

[1] Fox's *Correspondence*, vol. i. p. 211.

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the cautious veteran who had succeeded Keppel in the command, afterwards told Lord North, that had he known the state of the enemy's fleet, he would not have hesitated to offer battle.

Allied fleets in the Channel.

The allied fleets manœuvred for several weeks in the Channel, but no enterprize of importance was attempted. The Spanish Admiral was for landing troops immediately on the coast. The Count d'Orvilliers, on the other hand, maintained that a naval engagement must take place before such a decisive measure could be safely adopted. While these questions were dividing the allied commanders, autumn approached; and the Spaniard, dreading the effect of the equinoctial storms upon his crazy ships, determined to return to port. The French Admiral had no alternative but to do the same. Early in September, the vast armada retired from the British waters, its only achievement having been the capture of an English frigate.

The immediate apprehension of an invasion had aroused the old English spirit. Public bodies and individuals came forward with large subscriptions. Several noblemen offered to raise regiments in their respective counties. The common people, though disliking and even despising the profession of arms, yet in the presence of danger, were at once animated by a military spirit. The militia was readily recruited; and seamen tempted by large bounties, provided by voluntary contributions, came forward in sufficient numbers. In

fine, the spirit and energy displayed throughout the country, were not very encouraging to the prospect of invasion.

Siege of Gibraltar.

The war was carried on languidly in other parts, and was confined mostly to petty affairs, which made no change in the relative position of the belligerents. The only undertaking of importance was the siege of Gibraltar, which had been formed by the Spaniards in the month of June. But this fortress, in itself all but impregnable, was well defended by General Elliot, with an efficient garrison of six thousand men.

Count D'Estaing at Savannah.

In the West Indies some active operations took place. Early in 1779, the British fleet was fully equal to that of the enemy. But no general engagement took place. The advantage, however, was on the side of the enemy, who took the two small islands of Granada and St. Vincent. An attempt, on a large scale, was made by the Count D'Estaing, assisted by the Americans, to recover Georgia, which had been taken by Colonel Campbell in the preceding December. The French admiral, with the greater part of his ships, appeared before the town of Savannah; and, having landed ten thousand men, a force more than double that of the garrison, prepared to take the place by regular approaches. But, after an ineffectual cannonade of five days, during which his works were interrupted by two successful sorties, D'Estaing determined upon an assault. The storming-party consisted of four

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thousand five hundred men, in two divisions; one of which was led by Count Dillon, and the other by D'Estaing himself. Dillon's column having mistaken the road, was dispersed by the artillery of the garrison; and the Commander-in-chief was gallantly repulsed. The French, after a desperate conflict, which lasted two hours, retreated to their ships, leaving fifteen hundred killed and wounded. The loss of the British was no more than forty-two. This was the last exploit of the Count D'Estaing. A more unfit person for an important service could hardly have been selected. D'Estaing was neither a sailor nor a soldier. He treated the Americans and their cause with undisguised contempt; nor did he render them any service which could compensate for his insolence. Indeed the American arms made no progress whatever in the campaign which commenced with the French alliance.

Paul Jones.

While the great fleets of France and Spain were making empty demonstrations in the Channel, an adventurer, whose name has acquired a romantic notoriety, was terrifying the northern coast by his daring exploits. Paul Jones was a native of Scotland, and had passed his early years in the merchant service. When the American war commenced, he was living in Virginia, and readily availed himself of the opportunity to improve his desperate fortunes by taking service with the insurgents. He was soon appointed to a ship with a roving commission, and signalised himself by

the rapidity of his movements, and the piratical character of his achievements. At this time he was hovering off the coast of Yorkshire, with three small frigates and a brig, waiting the arrival of the Baltic ships under convoy of two frigates. Captain Pierson, who commanded the convoy, had only time to cover the retreat of the merchantmen before he came into contact with Jones's squadron. A desperate engagement ensued; Pierson, attacked by two ships, each nearly a match for his own, was forced, at length, to yield the unequal conflict, but not without having inflicted such injury on his opponent's ship, the Bon Homme Richard, that she sunk soon after the action. After having taken his prizes into a Dutch port, Jones returned and threatened the capital of Scotland. His intention, no doubt, was to have landed according to his practice, and carried off what booty he could; but a strong westerly wind carried him out of the Firth of Forth, and frustrated his design. Ch. 23. 1778

The French alliance, so far from giving confidence and stability to the operations of the main army, and the authority of Washington, had a contrary effect. The indefatigable energy and imperturbable patience of the Commander-in-chief had hardly been able to sustain the patriotism of his countrymen, and suppress their fatal jealousies, even when the success of their cause depended entirely on their own constancy and cordial co-operation. We have seen the difficulty French unpopular in America.

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which Washington experienced in keeping the unwarlike militia to their standards, and in overcoming the selfish reluctance of the people to make personal sacrifices for the common good. He had now to encounter new obstacles. In answer to his appeals for more troops and renewed exertions, the Americans insisted that the worst was over. England, distracted by the formidable demands upon her military resources, which had arisen in consequence of the rupture with the great European monarchies, would no longer, they argued, press the war in America; and they might depend upon their French allies to keep the enemy in check. The Congress which, in its earlier days had been governed with such firm and vigorous counsels, had deteriorated rapidly since the commencement of the war. The plague of faction, to which every popular assembly is prone, had impaired its unity of purpose. The best men, disgusted with the intrigues of low and selfish natures, had seceded; others had withdrawn to attend to their private affairs; and this great assembly, whose virtue and wisdom had been the admiration of Europe, was fast becoming a mere junto, subservient to the policy of France. A project for the invasion of Canada, originating in the cabinet of Versailles, had received the ready approbation of Congress. But before this step was finally adopted, the minority prevailed so far as to ask the opinion of the Commander-in-chief. The folly of such a proceeding was pointed out by

Washington with unanswerable arguments. He shewed that the demands in money and men which would be required for such an expedition, would entirely drain the resources of the States, already almost exhausted; and he demonstrated that the success of such an undertaking would redound only to the benefit of their powerful ally, and, in its remote consequence, must prove detrimental to the commercial interests, if not to the future independence of the republic.

Difficulties of Washington.

The winter of 1779-80 put the fortitude and energy of Washington to the proof. The season was unusually severe. The troops were without food, shelter or clothing. The officers, unable to obtain their pay, or paid only in paper, which had become almost worthless, quitted the service in great numbers. The Commander-in-Chief went in person to Philadelphia, to represent this state of affairs to Congress. He was listened to with apathy, and he describes the members of this degenerate body as intent on selfish aims, or given up to indulgence. 'An assembly,' says he, 'a concert, a dinner, a supper, that will cost three or four hundred pounds, will not only take men off from acting in this business, but even from thinking of it.'[m] Such is the description

[m] IRVING'S *Life of Washington*, vol. iii. p. 487. In a letter to Colonel Harrison, the Speaker of the Virginia House of Delegates, written on the last day of December, he gives a deplorable account of the condition of affairs: 'Our affairs are in a more distressed, ruinous and deplorable condition than they have been

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by no querulous or incompetent observer of an assembly, placed in circumstances which might have tried the constancy and wisdom of the most virtuous and experienced statesmen. A people become weary of war, and willing to leave the completion of their independence to a foreign ally; an empty exchequer, and a credit so exhausted, that a dollar in specie was equivalent to forty dollars of the currency of the State; the union which Congress had created and represented fast falling away by the secession of the best members to their respective provinces, and the prosecution of local objects; the dissensions with their great ally, which had already commenced, and the popular hatred of his troops, which had become uncontrollable; these were some of the most formidable difficulties which

since the commencement of the war. . . . . If I were to be called upon to draw a picture of the times and of men, from what I have seen, heard, and in part known, I should in one word say that idleness, dissipation and extravagance seem to have laid fast hold of most of them; that speculation, peculation, and an insatiable thirst for riches, seem to have got the better of every other consideration, and almost of every order of men; that party disputes and personal quarrels are the great business of the day; while the momentous concerns of an empire, a great and accumulating debt, ruined finances, depreciated money and want of credit, which in its consequences is the want of everything, are but secondary considerations, and postponed from day to day, from week to week, as if our affairs wore the most promising aspect. I confess to you, I feel more real distress on account of the present appearance of things, than I have done at any one time since the commencement of the dispute.'

might have caused the firmest mind to despair of the fortunes of the Republic. It is the highest eulogy which can be passed on Washington, that while he, beyond all men, saw and felt each of these accumulated difficulties in its full magnitude, his mind, though depressed and agitated, never sank to the level of disgust or despair. His temper was still proof against every trial; his resources equal to every emergency. His military chest was closed; his commissariat had ceased to exist: but he soothed the murmurs of his army; he sent out requisitions for forage; and such was the influence of his name, that these supplies were, for the most part rendered without compulsion.

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CHAPTER XXIV.

STATE OF IRELAND — RISE OF THE VOLUNTEERS — RELAXATION OF THE COMMERCIAL CODE — MEETINGS OF THE ENGLISH COUNTIES IN FAVOUR OF PARLIAMENTARY AND ECONOMICAL REFORMS — BURKE'S BILL — DUNNING'S RESOLUTIONS — PROTESTANT PETITIONS — DISTURBANCES IN SCOTLAND — GREAT RIOTS IN LONDON.

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Difficulties of Government. — Ireland.

MEANWHILE, the difficulties accumulating around the British Government, though of a different character, were not less formidable than those which embarrassed the Transatlantic Republic. The main difference was, that in America the wisdom and firmness of the man in whose hands the fortunes of his country were placed, prevailed over the selfishness and perverseness of the Executive; while in England, all the prudence and liberality of the Minister were neutralized by the facility which yielded to the unconstitutional pressure of the Crown. It was no light matter that thirteen colonies were all but rent from the dominion of Great Britain; that her old rivals were in arms, and that their fleets had already insulted her coasts with impunity. But new complications arose. Ireland,

which had never yet been a very hopeful member of the British empire, now became what she continued to be up to the most recent date, an anxious care to the statesmen of this country. England, with her usual reserve towards her dependencies, had done little to conciliate the affections of this nation, which must be always the most important member of her imperial family. Ireland had long felt, with the sensibility for which she is remarkable, that her interests were made subservient to those of her powerful sister. The example of America, whose case was so similar in many important particulars, could hardly fail to produce an impression on the other side of the Channel. Hence the demands made in the preceding session for a relaxation of the restraints which had long oppressed the commerce of Ireland. Those demands had been refused, with a plain avowal that the concession of them was incompatible with the interests of the superior people. The Irish, following the lead of the Colonists, entered into non-importation and self-denying compacts, and they computed that they should thus retain a million of money which annually went to swell the pride and prosperity of their haughty neighbours. But British legislation might frustrate this arrangement, and again the example of America was followed with an adaptation to the difference of circumstances. The appearance of the French and Spanish fleets in the Channel, afforded the Irish a pretext for

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putting their design into execution. The exigencies of the American war had obliged them to give up the standing army, which England was bound to maintain in Ireland.

Apprehended invasion.—Volunteers.

Under these circumstance, the town of Belfast, which had been threatened with invasion eighteen years before, made a formal demand upon the Irish Government for military protection. The answer from Dublin was, that the Government had no force at their disposal. Such a reply in an emergency so pressing, was considered as tantamount to an abdication of its duties by the Executive; and the municipality to which it was addressed, accordingly took measures, without further delay, to provide for their own defence. Volunteers were invited to come forward and enroll themselves. The call was promptly answered. In a few weeks the northern counties were in arms. The movement spread with unexampled rapidity; and before the close of the summer of 1779, a force computed at forty-two thousand men, well disciplined, well appointed and officered, by the noblemen and gentlemen of the districts where the regiments had been raised, were ready to defend their country against foreign invasion, or to vindicate its liberties and rights against domestic oppression.

Irish Parliament. Grattan's motion on the Address.

The first great demonstration made by the national army, was on the occasion of the meeting of the Irish Parliament in October, 1779. The Dublin volunteers mustered in great numbers,

and, assuming the duties of a regular army, constituted themselves a guard of honour to the Lord Lieutenant, when he proceeded to open the Parliament. A respectful allusion was made to this formidable body in the Viceroy's speech; and while the metropolitan regiments were drawn up outside the House in ominous array, Grattan moved an amendment to the Address, in which he recapitulated the grievances of the country, and demanded free trade as the natural birthright of the people. The amendment was carried *nemine contradicente*, and was followed immediately by a vote of thanks to the national army. On the following day, the Address so amended was taken up to the Castle, amid the acclamations of the people; the Speaker being escorted by the volunteers, with the Duke of Leinster, the first peer of Ireland, at their head.

Thus, by a bloodless revolution, had the whole executive government been assumed by an armed confederacy, consisting of the great bulk of all classes of the people, without regard to party or to creed.

Disturbances in Dublin.

Under the auspices of this military association, the Irish Parliament proceeded with measures of unusual vigour. They instituted searching inquiries into various branches of the national expenditure, and attacked the gross abuses of the secret service, and the pension-list. But the end to which their efforts were principally directed, was the emancipation of their commerce

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from the fetters which crushed it; and in order to effect this object, they used that constitutional weapon, the resort to which is justified only by a case of extremity — they determined to limit the supply by passing a money-bill for six months instead of a year. This measure being strongly resisted by the Court, the populace of Dublin rose, surrounded the Parliament House, and compelled many members to take an oath, pledging themselves to support free-trade, and a short money-bill. Those who refused to submit to this dictation, were treated with great violence, some of them threatened with death. The volunteer corps made no effort to repress these disorders; and the House of Commons, so far from resenting this attack upon their independence, were pusillanimous enough to excuse the rioters. At length the Lord Lieutenant issued a proclamation for the apprehension of the ringleaders; but the short money-bill was passed, and received the sanction of the Privy Council.

State of Ireland.

The state of Ireland occupied the attention of the English Parliament immediately on its re-assembling for the autumnal session. Motions were made in both Houses, censuring the Government for having endangered the connection between the two countries, by their neglect to take measures for the redress of Irish grievances. These motions were met by a prompt and ample concession to the just demands of the Irish people. A free export of their staple articles

of trade and of their principal manufactures was permitted; and these measures, though plainly yielded to the significant national demonstration which had been exhibited, were accepted by the Irish Parliament with every expression of loyalty and satisfaction.

Motion to abolish places.

The Irish debates occupied a large proportion of the short autumnal session. But notice was given in both Houses of a formidable attack after Christmas, not so much upon the administration, which was hardly defended even by its own members, but upon the system which enabled such an administration to exist. The whole of the public expenditure was to be made the subject of inquiry. The contract service, the place-list, the pension-list, the great sources of corruption were to be laid bare. Lord Shelburne announced his intention of moving for a Committee upon this all important subject. Burke, in the other House, gave notice of a bill, one object of which would be to abolish fifty places, then held by members of Parliament. This was the germ of that famous measure of Economical Reform which struck the first blow at Influence, and pointed the way to that other great measure, which fifty years later put the people in full possession of those rights to which they were entitled, but which they had until that time only partially obtained.

In connection with, and in support of this important proceeding in Parliament, a vigorous

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Great meetings in Yorkshire.

effort was made to organize a patriotic party out of doors.

It was resolved to appeal to the country against the corruption of parliament, and the undue influence of the Crown. A meeting, which has been described as the most numerous and respectable ever known upon any occasion,[a] comprising freeholders, possessed of landed property, estimated at £800,000 a year,[b] was held in the county of York, at the requisition of the Marquis of Rockingham and Sir George Savile. In the list of the persons present are to be found the names of the most considerable and ancient families of the Riding. The Cavendishes, the Howards, the Mannerses, the Fitzwilliams, the Lumleys, the Lowthers, the Lascelleses, the Wyndhams, the Chaloners, the Morrits, the Stricklands, the Wyvils, the Milners, the Armitages, the Hildyards, and the Zouches were all represented, many of them by the chiefs of their respective houses, at this great gathering. A large proportion of the clergy also attended; together with many of the wealthy manufacturers from Leeds, Bradford, and other places; and the several members of the municipal bodies. The independent yeomanry of the Riding thronged the body of the hall. A petition to Parliament, together with certain resolutions, were agreed to.

[a] Almon's *Anecdotes*.

[b] Speech of Marquis of Rockingham, *Parl. Hist.* v. 21.

The former set forth the great accumulation of taxes which oppressed both the landed and commercial interests, and complained that, in consequence of the increase of overpaid offices, sinecure places and pensions, the Crown had acquired an unconstitutional influence which, if not checked, might soon prove fatal to the liberties of the country. The most important proceeding was the appointment of a committee of sixty-one gentlemen to correspond with similar associations for the purpose of promoting the ends of the petition. This committee having completed its organisation, issued a declaration of its principal objects, which were a retrenchment of the public expenditure and a reform in the representation of the people by an addition of a hundred county members, and limiting the duration of parliaments to a term not exceeding three years. The petition was signed by nine thousand gentlemen, clergy and freeholders.

Middlesex speedily followed the example of Yorkshire. Within a few weeks, meetings had been held in twenty-seven counties, and resolutions had been adopted in favour of economical and parliamentary reforms. In most of the counties a corresponding committee was appointed; and the proceedings were the result of unanimous concurrence. But in some places there were divisions of opinion. The Tories mustered strongly in Hertfordshire, though they failed in defeating any of the objects of the meeting. In the small

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county of Huntingdon, Lord Sandwich had sufficient influence to obtain a strong demonstration in favour of the ministry and their measures; but, notwithstanding the presence of that nobleman and his friends, and the partiality of the sheriff, who would have declared the sense of the meeting to be adverse to reform, had he not been rebuked even by the more conscientious Tories, a large majority declared for the resolutions.

Change in the ministry.

During the recess, a partial change was made in the administration. The leaders of the Bedford connection, Lords Gower and Weymouth, withdrew from councils the responsibility of which was fearfully increasing, while the support which the repressive measures of the Government had hitherto received, both in Parliament and in the country, was rapidly on the decline. Gower, on quitting office, represented to Lord North, for the information of the King, that impending ruin must be the consequence of the existing system of Government, and that the policy to which he had so long been a party, was mischievous to the King and to the country. The first minister, in announcing to his Sovereign the resignation of the Lord President, declared that he had for the last three years shared the opinion of his late colleague.[c]

It is difficult to say whether such an avowal as this is more discreditable to the King or to his

[c] *Letter to the King*, October, 1779.

minister. The decent theory of the constitution which supposes that the King can do no wrong, devolves the whole responsibility of the Crown both in theory and practice upon the minister; and no sovereign, while availing himself of this immunity from censure, has a right to require that his public servants shall be mere agents to carry into execution the policy which he dictates. The predecessors of George the Third had been content to observe the limits assigned to them by the Constitution; and no statesman since the Revolution had held office on the terms which Lord North and his colleagues appear to have considered consistent with what was due to the country and to themselves. Godolphin, Walpole, Pelham were real ministers, not political agents of the Sovereign. Even the querulousness of Grenville, the insolence of Bedford, and the waywardness of Chatham, which vexed the earlier years of George the Third were far preferable to the opposite extreme of absolute deference to the royal will and pleasure. The Whigs had too rigorously enforced the doctrine of ministerial responsibility, which does not necessarily exclude the sovereign from all participation in the counsels of his advisers; but the successors of the Whig statesmen practically surrendered the great doctrine of the Revolution, when they consented to carry measures which were not only dictated by the Crown, but which they believed to be detrimental to the public interest. That such

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conduct was a breach of trust and a violation of plain constitutional law, there can be no question. The doctrine of the King's friends transcended that which conduced to the destruction of the old monarchy. The Churchmen and Tories of the Stuart dynasty were content with inculcating passive obedience to a sovereign who, according to their idea, derived his authority from a higher source than the will of the people. The sycophants of George the Third could prefer no such claim on behalf of their master. He had no other than a parliamentary title; and the body by which it was conferred derived its authority immediately from the people. The tenet of the old monarchists was explicit and intelligible; but the friends of George the Third dared not avow their doctrine, and could only bring it into use through surreptitious and shameful means. To make the King's will absolute it was necessary that Parliament should be debauched, and the responsible ministers of the Crown discredited. And men of rank and character, scholars and gentlemen, were persuaded, against their will and against their convictions, to become the agents of a system, from which it would have seemed that even the most profligate and needy adventurers should have shrunk.

Lord Hillsborough.

The offices vacated by Gower and Weymouth were necessarily filled up by men of inferior pretensions, inasmuch as no man of any political mark would connect himself with the sinking for-

tunes of the administration. Lord Hillsborough, who had been Secretary of State in the earlier years of the American troubles succeeded Lord Weymouth; and Bathurst, who had been somewhat unceremoniously removed from the woolsack, in the preceding year, to make room for Thurlow, was compensated by the dignified office of President of the Council. Lord Stormont, the late ambassador at Paris, was appointed Secretary of State on the decease of the Earl of Suffolk.

County petitions for reform.

The great county petitions in favour of parliamentary and economical reform, which had been agreed to at the meetings held during the Christmas recess, were presented on the re-assembling of Parliament, and Burke followed with his motion for leave to bring in a Bill 'For the better regulation of His Majesty's Civil Establishments, and of certain Public Offices; for the Limitation of Pensions, and the Suppression of sundry Useless, Expensive, and Inconvenient Places.' He declared, at the outset of his speech, that his principal object was 'the reduction of that corrupt influence, which is itself the perennial spring of all prodigality and of all disorder; which loads us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.' The principal features of his plan were the abolition of useless offices, and the consolidation of departments of administration. He proposed,

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moreover, to sell the crown lands; a description of property which, he urged with truth, was far less productive under State management than when distributed among several proprietors. The retrenchment of expenditure which he intended to effect was not considerable. He estimated the saving, loosely, at two or three hundred thousand pounds a year; but he said that economy was only a secondary object of his scheme; the primary purpose was the diminution of parliamentary patronage, and the introduction of order and regularity into those branches of the public expenditure to which the Bill referred. The statements which he made in support of his proposal were unanswerable, nor indeed was any answer attempted by the minister except on some points of detail. The whole speech, though multifarious in its topics, is a model of lucid statement and apt reasoning. And, though the theme is unpromising, the speech is the most brilliant and entertaining of all the great orations of the same master which have come down to us in a collected form. A scheme of equal magnitude, so comprehensive, and so complete has never yet been proposed to Parliament by any member unconnected with administration; and it is the most convincing proof of the genius of this great man that a proposal, which directly attacked the power of the Crown in its most vital part, and the private interests of so many individuals both in and out of Parliament should have at once ob-

tained such extensive favour as to render its ultimate success, in all substantial particulars, a matter of certainty.

Commission of enquiry into the public accounts.

The favour with which Burke's motion was received encouraged the Opposition to press the attack. Lord Shelburne, in the one house, and Colonel Barré in the other, moved for a commission of enquiry into the public accounts. The object of these motions was practically to enforce the great principle which had been established at the Revolution, of appropriating the money granted by Parliament to the several purposes for which it was voted. Notwithstanding the appropriation acts, means had been found to evade their rigour; and, though it was no longer possible for the Executive Government to be carried on without the concurrence of Parliament, it had been found perfectly practicable to obtain the corrupt concurrence of Parliament by abuse of the supplies. In the Lords the motion was successfully resisted; but such was the temper of the Commons, that Lord North thought it prudent to acquiesce, and a commission of enquiry was appointed. Sir Philip Clerke's Bill for excluding contractors from Parliament, which had been defeated by a small majority in the former session, was re-introduced, and passed the Commons without opposition; but was rejected in the Upper House. At the same time a still more dangerous stroke was aimed at influence by the motion of Sir George Savile, member for the

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county of York, and one of the most considerable persons in the House of Commons. He moved for a return of all pensions granted by the Crown during pleasure or otherwise, with the amount of such pensions respectively, the dates of such pensions, and the names of the pensioners. This motion was met by an amendment, limiting the information to the gross amount of the pension list. Lord North urged, in support of his amendment, the inhumanity of exposing to public animadversion the necessities of ancient and noble families, and the circumstances under which such pensions had been granted, to the unfair and ungenerous criticism of party pamphleteers. But the answer to all such objections is conclusive. The country provides no fund for relieving the necessities of a selected class. A just Pension List is not a dispensation of public bounty, but a recognition of past services; and, so far from being painful or humiliating, it should be a source of pride and satisfaction to any man to have his name inscribed on such a list. But the receipt of a pecuniary benefaction, whether from public or private sources, to which the recipient can prefer no just or honourable claim is, and ought to be, painful and degrading. The amendment of Lord North, after a debate more than usually animated and acrimonious, was carried only by a majority of two in a full house.

Virulent debates.

The debates of the session were conducted with more than usual personality and asperity.

The leaders of the Opposition in either House were engaged in duels, in consequence of the violence of their language. Lord Shelburne, in censuring the appointment of a Mr. Fullarton, a member of the House of Commons, to the rank of lieutenant-colonel, spoke of him as a clerk, who had no pretensions to any military rank whatever. The fact was, that Fullarton, following the example of other gentlemen, had raised a regiment when the war with France was declared; and for that act of public spirit, had been gratified by a commission as lieutenant-colonel. There was nothing in this transaction either as regarded Government, or Mr. Fullarton, which called for censure; but Lord Shelburne, instead of giving Fullarton an appropriate reparation in the form of an apology, which the more just notions of honour prevalent in these days would have demanded, thought fit to risk his life in a quarrel which he had so wantonly provoked. He was dangerously wounded in a duel by the person whom he had insulted; and such was the violence of party spirit, that he received many congratulatory addresses from public bodies, some of which did not scruple to insinuate, that the challenge of Colonel Fullarton was prompted by the murderous animosity of the Government. Another duel took place between Mr. Fox and Mr. Adams, in consequence of some violent personality uttered by the former in the House of Commons. In this case also the aggressor was

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wounded, but Fox, with the candour and generosity which belonged to him, after receiving his adversary's fire, disclaimed any intention of giving personal offence. About the same time the House of Commons was edified by a quarrel, which from the graver character and position of the principals, could not be settled by an appeal to arms. The Speaker, Norton, in pursuance of previous concert with Fox, took occasion of the House being in Committee, to make an attack upon Lord North, whose enmity he complained of having provoked in consequence of his patriotic conduct in the affair of the Civil List. Upon further explanation, however, it appeared that the Speaker's real grievance was, that the Attorney-General was about to be preferred to the chief seat in the Court of Common Pleas, to which Norton asserted that he had a prior claim, in pursuance of a previous compact. Lord North denied the existence of any such compact as far as he was concerned, and declined to be bound by any compact or understanding between the Speaker and a former Minister. The Attorney-General commented with malignant sarcasm on the sordid indecency of Norton's conduct: and, in a spirit kindred to that which he censured, proceeded to vindicate his own pretensions, in comparison with those of the Speaker, to the high judicial office, which was at this moment efficiently filled, and was to be vacated only for the purpose of providing for a political partizan. This scandalous discussion

took place in a debate upon one of the most important provisions of Burke's Establishment Bill, the abolition, namely, of the Board of Trade, which, as then constituted, was merely a pretext for eight Treasury votes in the House of Commons. Ch. 24. 1780

Meanwhile, the petitions for parliamentary and economical reform were accumulating upon the table of the House; and represented in the whole, as was stated by Mr. Dunning, the sentiments of more than one hundred thousand electors. If this calculation was correct, so large a proportion of the constituency[d] has never yet to my knowledge united in recommending any other measure to the consideration of Parliament. It seemed that the great mass of the wealth, intelligence, and even of the population of the country, were at length united against the corruption of Parliament, and the Crown upon the principles of the Revolution. Accordingly, it was with the highest expectation that the House of Commons was called upon to express its sense of the public opinion thus emphatically signified. The sixth of April was the day fixed for the consideration of the petitions. A call of the House was ordered; a great meeting of the Westminster Reformers was convened by the Whig leaders; and the Government, on their part, thought fit to station a

Accumulation of petitions for Reform.

[d] *Parl. Hist.* vol. xxi. p. 345.

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Dunning's proposal to reduce the power of the Crown.

military force in the neighbourhood of Westminster Hall.

It was proposed that the House should resolve, 'that the influence of the Crown had increased, was increasing, and ought to be diminished.' And these momentous words were offered to the House by Dunning, one of the greatest lawyers that ever sat in Parliament, and one of the very few statesmen, whom the profession of the law, in this country, has produced.

The motion was introduced with a moderation of language which became the high authority of the speaker. He said that his resolution was in accordance with the general tenor of the petitions on the table, though not in accordance with the terms of either of them; and he established the truth of his proposition by referring to common notoriety, as well as to particular cases, which he quoted with the precision and aptitude of a skilful advocate. The ministers made but a feeble resistance to the most formidable motion which had been made since the Long Parliament; and it was affirmed in a House of four hundred and forty-eight members by a majority of eighteen. Another resolution was immediately proposed by Dunning, 'that it was competent to the House, whenever they thought proper, to examine into and correct abuses in the expenditure of the Civil List revenues.' This resolution was proposed in consequence of a question having been raised as to the right of

the House to institute such an inquiry. It was carried without opposition. A third motion, declaratory of the duty of the House to provide immediate and effectual redress for the grievances complained of in the petitions, was likewise affirmed. These several resolutions, which had been adopted in Committee, were, on the motion of Mr. Fox, immediately reported.

Want of Parliamentary union and strength.

Proceedings so vigorous as these, could be sustained only by strength and unity of purpose within the walls of Parliament, or by that irresistible pressure from without, which in recent times has sometimes determined the action of Parliament. But the Commons, so far from being actuated by any sudden and unnatural impulse of public spirit, had voted Dunning's resolutions under the terror of the impending election; and the majority, faithful to their old instincts, and, indeed, to their personal interests, were only seeking for a fair opportunity to evade the consequences of their vote, and frustrate the hopes of the Opposition. Nor had the people that organized and concerted action which would have enabled them to control their backsliding representatives. Many of the petitioners were hesitating in their demands, and refused to join the corresponding societies. Others were alarmed at the spirit which had been evoked. Under these influences, the majorities which had supported Burke and Dunning began to decline. A resolution for incapacitating certain officers of

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the household to sit in Parliament, one of a series which Dunning had moved in connection with the main question which the House had affirmed, was carried by a majority of only two. On a subsequent day, when Dunning moved that this resolution, together with the other resolutions of a similar kind, which had been adopted by the Committee should be reported, the motion was negatived by a majority of forty-three. An Address to the Crown, praying that Parliament might neither be dissolved nor prorogued until measures had been taken to remedy the evils complained of in the petitions, and to diminish the influence of the Crown, was rejected by a still larger majority. Fox, and other leading members of the Opposition expressed themselves in terms of bitter disappointment and indignation at the result of a movement which had commenced under auspices so promising. Nor were they sparing in insinuations as to the means by which such a result had been obtained. That corrupt influence was used is highly probable, but the defection of many who had supported Dunning in his general resolution, was caused by alarm at the extremities to which the opponents of the Crown were prepared to carry their measures. The consequence was a partial reaction, and thus for the time, that very influence was increased, which a vote of the House had declared to be excessive.

At this moment, when it was desired by some

of the most eminent persons in the kingdom, to make the expression of public opinion respectable and respected by the Legislature and the Government, there occurred one of the most shameful exhibitions of popular feeling that has ever disgraced this country. The partial relaxation of the cruel and ridiculous penalties upon the profession of the Romish creed, effected by the act of the last session, had created far more discontent than any encroachment of the Crown upon the independence of Parliament. The apprehension lest the representative system should decay and fall to pieces through corrupt influence, was confined chiefly to the wealthy and educated classes; but the alarm of imminent danger to the constitution, from allowing Papists to enjoy landed property and the instructions of their spiritual teachers — for to this extent only had the late remedial enactment gone — pervaded the whole bulk of the people, and was shared in a considerable degree by the educated classes. The Scotch Catholics had been excluded from the benefit of Lord Nugent's Act, but the General Assembly had rejected a motion to petition Parliament against the bill. The spirit of fanaticism and intolerance was not, however, to be baulked. The pulpit and the press were both eager to inflame the illiberal prejudices of the people. The provincial synods, for the most part, declared against any relief whatever to the Roman Catholics. A corresponding committee was

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opened at Edinburgh, for the purpose of persecuting a class of people who followed the religion of their fathers in the most unobtrusive manner, and who had never been clamorous in complaining of the wrongs which had been inflicted upon them. Even now, when the prospect of obtaining some relief, however inadequate, had induced this respectable body to come forward from their retirement, they desired to withdraw their pretensions at the first appearance of opposition. But the cruel and revengeful spirit which had been excited was not to be appeased. The populace of Edinburgh and Glasgow rose, and destroyed the houses and property of the priests and other persons belonging to the hated sect. Even the lives of the Roman Catholics were threatened; nor could these unhappy people appear in public without being insulted and terrified. The magistrates of Edinburgh, either from supineness or connivance, took no measures to suppress these outrages, until alarm for the safety of their own lives and property forced them at length to call in military aid.

The English people were eager to emulate the fanatical spirit of the North. Numerous corresponding societies for the protection of the Protestant religion were formed South of the Tweed; and at the head of the central association was placed, not inappropriately, a man who ought to have been the inmate of a lunatic asylum. Lord George Gordon had sat in Parlia-

Lord George Gordon.

ment for some years, but the extravagance of his ideas, coupled with the indecency of his language and demeanour whenever he addressed the House, were clear indications of an unsound mind. That such was the impression made upon his hearers, may be inferred from the fact, that he was allowed a license of language which, even in those days, would not have been suffered in any man who was considered accountable for his words and actions. While the agitation against the Catholics was in progress, Lord George Gordon was constantly bragging of his power and influence in the country, menacing the House with his displeasure if they did not attend to the wishes of the people who had appointed him their organ and representative, and openly declaring, that if the King violated his coronation oath by shewing favour to the Catholics, he would lose his head. Words such as these, which if uttered by any man in his senses would have been taken down by the clerk, and made the subject of solemn censure, were heard with derision or neglect when falling from the lips of Lord George Gordon. But it was, nevertheless, true that this man was considered the leader of a party in the country, formidable from its numbers and organization, as well as from the vehemence of the passions by which it was impelled. During the winter and spring of 1779-80, the crusade against the Catholics rapidly acquired proselytes among the middle and lower orders of the people; and at length the leader of this

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portentous movement thought proper to invite a demonstration of its strength, in the shape of a petition to Parliament. A hundred and twenty thousand signatures were obtained to the London petition, and Lord George Gordon, at a meeting of the Protestant Association, made an inflammatory speech, at which he announced his intention of presenting the petition on the second of June, on condition that he was accompanied to the House of Commons by at least twenty thousand of the petitioners.

March from St. George's fields.

On the appointed day, an immense concourse of people assembled in St. George's fields; and having been formed into several divisions, they marched in ranks to Palace-yard. They soon occupied the approaches to the Houses of Parliament, and in the absence of any military or police force, the whole neighbourhood of Westminster Hall was in undisturbed possession of an excited and fanatical populace, mingled with whom was the rabble of London, always ready to take advantage of any opportunity for mischief and plunder. The members of both Houses who had professed, or were supposed to entertain, rational and humane views with regard to the Roman Catholics, were waylaid and insulted. Some were robbed, and not a few narrowly escaped with their lives. By a remarkable coincidence, the Lords had been summoned on that day for a motion, which, under the circumstances, would seem to have been intended as a satire upon representative institutions. While a raging mob,

under the guidance of a maniac, filled the streets of Westminster, and almost penetrated to the chambers of the Legislature itself, the Duke of Richmond was haranguing his peers on the abuses of the Government, and recommending annual parliaments and universal suffrage as the best means of placing the representative system on a safe and enduring foundation. The entrance of several peers and prelates with affrighted looks and dishevelled garments, newly escaped from the hands of the people who, according to the Duke's plan, would form the bulk of the metropolitan constituency, had no effect upon his Grace's argument. On the contrary, he complained of the interruption, when a peer rushed into the House, and exclaimed that Lord Boston, one of their body, had been dragged out of his coach, and would probably lose his life if he were not immediately rescued from the infuriated populace. To make the matter completely ridiculous, Lord Townshend moved that the House should adjourn in a body to the rescue of their peer; and while the question was under debate, whether the House should be attended by the mace on this occasion, Lord Boston was engaged in a warm discussion with the rioters, as to the identity of the Pope with Antichrist. By a presence of mind, similar to that by which persons have sometimes parried the attacks of lunatics, Lord Boston probably saved his life; for while the interesting controversy which he had raised was at its height,

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he contrived to mingle with the crowd and elude his captors. The Duke of Richmond was obliged to postpone the question of Parliamentary Reform to a more convenient season, and the Lords having ascertained from two Middlesex magistrates, whom they called to the bar, that the civil force immediately available amounted to only six constables, each peer lost no time in taking measures for his own personal safety; and Lord Mansfield, who officiated as Speaker on that day, was at length left alone to adjourn the House.

Scene in the Commons.

In the Commons, a scene of still greater excitement was witnessed. The mob swarmed through the passages, filled the lobby of the House, and thundered at the door. There was nothing to prevent them from bursting into the chamber itself; but a kind of awe restrained them at the threshold. Within the walls, Lord George Gordon, raising his voice amidst the clamour and incessant cries of 'No Popery' outside, moved that the Protestant petition should be taken into consideration forthwith; but against this ignominious proposal, the House had the spirit and firmness to protest. An amendment was proposed, that the House should resolve itself into a Committee on a day in the following week. While this question was under debate, Lord George Gordon frequently left the House to report the proceedings to his followers in the lobby; conduct which so incensed the members,

that several of them threatened him with personal chastisement; and Colonel Murray, one of his own relatives, declared, that if the mob entered the House, he would immediately pass his sword through Lord George's body. The wretched fanatic who appears to have been wholly deficient in the personal daring which fanatics generally possess, was intimidated by these menaces, and desisted from addressing the people outside. A party of Life Guards soon after appeared under the orders of a magistrate, and the lobby and passages being cleared, the House were enabled to divide upon the motion to take the Protestant petition into prompt consideration. Out of a House of two hundred and four members, nine only, including tellers, were found sufficiently pusillanimous or perverse to vote in favour of the motion. After the division, the House adjourned, without having experienced further molestation. But the mob, which had dispersed on the arrival of the Life Guards in Palace-yard, re-assembled in other parts of the town. A Roman Catholic chapel in Lincoln's Inn Fields, and another in Warwick-street, belonging respectively to the Sardinian and Bavarian embassies were attacked, plundered, and burnt down, before military aid could be procured.

Mob in Moorfields.

The next day order appeared to have resumed its ascendency; but, towards evening, a crowd assembled in Moorfields, a quarter much resorted to by the Catholics. Menaces were uttered, but

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no material damage was done; and neither the Government nor the City authorities thought it necessary to take measures for the preservation of the peace. On the ensuing day, which was Sunday, the mob, finding their proceedings uninterrupted, broke open the Roman Catholic chapel, together with several private houses in Moorfields, and destroyed the furniture. On the Monday a privy council was held, and a reward of five hundred pounds was offered for the apprehension of the persons who had been concerned in the outrages on the chapels belonging to the ambassadors; but, as it was thought the disturbances had subsided, no other extraordinary measure was taken for the punishment of the wrongdoers, or the prevention of further mischief. The consequence of this impunity was, that the tumults, which might have been suppressed without difficulty in the first instance, were revived with increased virulence, and soon assumed the appearance of a popular insurrection. On the day the proclamation was issued, not only were other Catholic chapels pulled down, but the houses of persons supposed to be friendly to the Catholics were attacked. The mansion of Sir George Savile, the eminent member for Yorkshire, who had been foremost in promoting the relaxation of Catholic disabilites, was ransacked and plundered. And that people might be deterred from bringing them to justice, the rioters inflicted vengeance on two tradesmen who had given evidence against

some of their friends, by breaking into their shops and destroying the stock in trade.

Gaols broken open.

On the two succeeding days the metropolis was abandoned to the populace. The principal gaols, including the strong prison of Newgate, were partially destroyed, and the prisoners liberated. The habitations of several magistrates were burnt. The house of the venerable Mansfield, with all its contents, comprising many valuable manuscripts and works of art, was committed to the flames. The Chief Justice himself, with his aged Countess, barely succeeded in effecting their escape. These outrages were witnessed, and might have been prevented by a party of the footguards; but no magistrate could be found to read the Riot Act; and, without this ceremony, it was absurdly supposed that a military force could not legally interfere to suppress a tumult taking place before their eyes. At length a Justice of the Peace appeared on the spot, and hastily muttered the words of the Statute within sight of a few drunken wretches, who were thereupon shot down in due form of law, as it was supposed, by the soldiers present.

Attack at Lord Mansfield's.

The mob which attacked Lord Mansfield's house are said to have abstained from plunder, and even to have cast the plate into the flames. But a different spirit was exhibited by the rioters in other parts of the town. Numerous householders were permitted to purchase immunity from damage or loss of property by pecuniary

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tributes; and pillage on the whole, to a great amount, was carried away.

7th of June—Special Council.

At length, on the 7th of June, being the fifth day of the riots, the King directed that a council should be held, and that every member of the Board should be summoned. At this important council, upon the prompt decision of which the fate of the capital depended, the King presided in person. But none of his councillors ventured to offer any advice adequate to the occasion. Every man felt that there was but one mode of suppressing the tumult, namely, by military force. But no man was willing to take the responsibility of advising such a measure. It was not forgotten that twelve years before, the magistrate who had ordered the soldiers to act, and the soldiers who obeyed his orders, had been indicted for murder; and, on this very occasion, when the deliberations of Parliament were interrupted by the rioters, a proposal to call out the military under the direction of the civil power had been strenuously opposed by Lord Shelburne, who declared, in his place, that such a measure should never have his sanction. It was not surprising, then, that the members of the Privy Council should hesitate to authorise a measure which would certainly end in bloodshed, and, probably, render them liable to prosecutions for capital felony. No minister, indeed, worthy of power, would for a moment have been deterred by such considerations as these, from consulting, at a

critical and exceptional period, that supreme law which the general weal inculcates; but there was no man who sat at the Council Board on that day who dared to rise beyond the level of precedent and routine. Ch. 24. 1780

The Council were about to separate without having arrived at any decision, when the King turned to the Attorney-General, who was in attendance, and desired to know his opinion. Wedderburn immediately declared that the Riot Act had been misunderstood, and that it was competent to the King in Council to order the military to suppress a riot without the authority of a magistrate. The King thereupon directed the Attorney-General to draw up a proclamation forthwith. The order was accordingly drawn, signed, issued to the military authorities, promulgated, and acted upon within a few hours. And thus, by the firmness and promptitude of George the Third, to whose character such an emergency was well suited, it must in justice be affirmed that London was saved from the last horrors of a popular insurrection.[e] The military called out.

[e] The irresolution of the Cabinet on this occasion amounted to absolute imbecility. Had they consulted the law officers, as they should have done, in the first instance, all doubt upon the point must have been removed. The Riot Act creates a new statutable felony, by attaching all persons who do not disperse after that act has been read by a magistrate. By another clause it is made felony to pull down chapels or houses even before the proclamation. But, by the common law, any man may prevent

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Attack on the Bank.

The proclamation was issued in the evening, when the mob were about to attack the Bank of England, and to cut the pipes which supplied the city with water. Regular troops, to the amount of ten thousand, besides several regiments of militia had assembled in London, and only waited orders to act; and, when their orders were given, the riots were instantly checked. Still, though no serious resistance was made to disciplined troops, yet the fact of any resistance being offered, necessarily caused considerable bloodshed. Nearly three hundred persons were shot dead in the streets or died in the hospitals from their wounds. But this return does not include great numbers of killed and wounded, who were removed by their friends, nor others who died of intoxication, or were smothered and burnt to death in the conflagration. The next day the streets were cleared; but it was not until the following day that the shops were re-opened and business resumed.[f] On

or arrest another in the actual commission of a felony, and is bound to aid in doing so, if required by a constable. It follows, therefore, that soldiers, who are not exempted from the duties of citizens, can legally interfere to prevent riotous proceedings, when accompanied by acts of felony.

[f] The various accounts of these riots which I have seen show a close resemblance, in the principal incidents, to the Bristol riots in 1832, of which I was an eye-witness. In each case the disturbances originated in political passion. In neither would serious consequences have ensued but for the imbecility of the civil power. At Bristol the riot soon lost its political character, and became an indiscriminate attack on property. A great part of the mischief was done by boys. The only personal sufferers

the 9th of June, being the day week that the tumultuous petition had been carried to Westminster, the wretched author of these calamities was arrested on a charge of high treason. Like many other demagogues, Lord George Gordon had proved wholly deficient in spirit and courage. When Colonel Holroyd peremptorily required him to desist from addressing his followers in the lobby of the House of Commons, on the 2nd of June, he submitted without a word. At the height of the tumult, he sneaked into the eating-room, and fell asleep, or affected to do so. On the Tuesday following, when the riots were at their height, he appeared in the House with the blue cockade, the emblem of the insurgents; upon which Colonel Herbert stood up in his place, and declared that he would not sit in the House while a member wore the badge of sedition in his hat; and that, unless the noble lord removed the offensive cockade, he would cross the floor and remove it himself. Lord George, pretending to yield to the wishes of his friends, took down the cockade, and put it into his pocket. With the cunning and cowardice which belong to half-witted and ignorant agitators, Lord George Gordon had sought to evade the grave responsibility which would attach to the leader of an insurrection, by formally disavowing the proceedings of his followers; and, when he found that those proceedings had sub-

were the rioters themselves, many of whom were shot and cut down by the soldiery; many also died drunk in the streets; and others perished in the conflagrations which they had kindled.

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jected him to a capital charge, his conduct, when under examination, shewed that he had lost even the rude, grotesque wit which sometimes glimmered amidst his absurdities. His demeanour is described as having been abject and imbecile. The Government paid him the compliment of sending him to the Tower under a strong military escort; but there was no longer any chance that the Protestant hero would be rescued from the grasp of the law.

The House adjourned.

The House of Commons met on the eighth of June, but so little was the Royal proclamation and the order of the military authorities understood, that a doubt was raised whether the metropolis was not placed under martial law, and the ordinary functions of the constitution suspended. Under this impression the House adjourned until the nineteenth of the month, on which day the Lords were to resume their sittings. The resumption of business by the Courts of Law on the day after the riots had been quelled, would have been sufficient to discredit the idle notion which the Commons had countenanced. But public notice was issued denying the existence of martial law, and announcing that all persons charged with offences would be tried, with the usual forms, by the ordinary tribunals.

Prosecution of the Lord Mayor.

The Lord Mayor was prosecuted by the Attorney-General for neglect of duty, and convicted. But Alderman Bull, who had seconded Lord George Gordon, and had taken an active part in

organising the meetings for the purpose of overawing the Parliament was suffered to escape with impunity. The only city magistrate who shewed sense or spirit on this occasion, was Wilkes. He ordered the publisher of a seditious paper within his jurisdiction to be arrested, and afforded the military every assistance in his power.

When Parliament re-assembled on the nineteenth of June, the late deplorable events were made the subject of a speech from the Throne, and copies of the recent proclamation were laid before both Houses by command. Some Lords, unmindful of the fact that the question had practically been reduced to an alternative between anarchy and order, were disposed to test the conduct of the Government in calling out the military force by some abstract theory of constitutional law. In the midst of this frivolous discussion, Lord Mansfield rose, and every eye was instantly fixed on the venerable magistrate, who always spoke with the highest authority, and whose appearance, on this day, was invested with a peculiar interest on account of the outrages which he had recently sustained, both in person and property, at the hands of a lawless mob. The Chief Justice, when giving an extra-judicial opinion on questions of constitutional law, was usually reserved almost to timidity; but, on this occasion, he spoke with precision and emphasis. A fine and touching allusion to the grievous loss which he had sustained, prefaced his speech, and conciliated the sympathy of all

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his hearers. 'I speak,' he said, 'without having consulted books, for, indeed, I have no books to consult.' Then, with that lucid exposition, of which at the age of eighty, he was still, as he had ever been, an unrivalled master, he stated the law which justified the course that had been taken. The acts of the insurgents, he affirmed, were acts of treason and felony. Every man might, by the common law, and at the requisition of authority was bound, to assist in suppressing a riot, and, much more, to prevent acts of treason and felony committed in his sight. A soldier, by assuming the military character, did not divest himself of the privileges or duties of a citizen; and differed from no other man in respect of his right to interfere in the case of a felony or a breach of the peace. And, as the red coat of a soldier was no disqualification for discharging the duty of a citizen, so it would be no protection against the law of the land if he overstepped the line of that duty, or assumed any control over the actions of his fellow-citizens which the law did not allow.

The Lord Chancellor expressed his concurrence in the law laid down by the Chief Justice; nor did any peer presume to question the accuracy of these great authorities. Lord Mansfield's opinion was accepted as decisive of the law, and has since been invariably acted upon without question. The employment of the military in civil commotions is, nevertheless, a measure of extreme severity; and nothing but the protection

of life and property can justify the employment of armed against unarmed men. The establishment of a regular police, and the recent extension of the force throughout the country, will, it is to be hoped and expected, enable the civil authorities in future to preserve the peace of their respective districts, without engaging the army in a service most distasteful to themselves, as well as most repugnant to the feelings of the English people.

Great Protestant Petition.

At the adjournment day of the Commons, the great Protestant petition, as it had been called, was appointed for consideration. The late events enabled the House to deal with this miserable record of ignorance and bigotry as it deserved. On the motion of Burke, which was made by previous concert with Lord North, five resolutions, vindicating the wisdom and justice of the late Toleration Act, and condemnatory of the misrepresentations which had led to the late tumults, were adopted without a division. On the other hand, Sir George Savile, who had hitherto been honourably distinguished as the advocate of a humane and liberal policy towards the Roman Catholics, shewed a disposition to conciliate the popular prejudice upon this subject. He introduced a bill which, under the pretence of restraining Popish conversions, went to disqualify Catholics from keeping private schools, or taking Protestant children as apprentices. This paltry measure, which was more in the

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spirit of Lord George Gordon's petition, than in that of the legislation of 1778, passed the Commons, but was rejected by the more independent vote of the Upper House. With these proceedings terminated the last session of the Parliament, which was dissolved in the ensuing autumn. The rioters of June were tried in due course at the Old Bailey Session, a special commission being issued for the trial of those prisoners who were charged in the county of Surrey. Chief Justice De Grey, whose turn it would have been to preside in this Commission, took the opportunity of retiring from a post, which his declining health had for some time past made him desirous of relinquishing. The able and energetic Wedderburn now obtained the object of his ambition; and his parliamentary services, the loss of which deprived Lord North of the only efficient supporter in the House of Commons that remained to him, were rewarded with a peerage. The first duty which the new Chief Justice of the Common Pleas was required to discharge, was the trial of the Surrey rioters; but the conduct of Lord Loughborough on this occasion laid him open to the censure, that in his eagerness to vindicate the cause of order, he departed somewhat from the cold impartiality of an English judge. The accused persons, however, cannot be said to have suffered any prejudice. The trials were conducted with the patience and deliberation which, since the Revolution, have

marked the proceedings of courts of criminal justice in this country. In London, Middlesex and Surrey, fifty-nine persons were capitally convicted, and of these, twenty-one persons only underwent the extreme penalty of the law.

Official inquiry.

An official enquiry was made as to the damage sustained by private property during the late riots; and, considering that London had been in possession of the mob for five days, the claims for compensation were less than might have been expected. One hundred and thirty thousand pounds were the estimated amount of private losses, exclusive of those sustained by Lord Mansfield and Sir George Savile, who declined to send in any claim. The rest of the sufferers were indemnified by special rates assessed on the several parishes. The public buildings destroyed or injured were chiefly gaols and toll-houses, which, in times of license, are generally the objects of popular fury. A great number of debtors who had been set free from the King's Bench, the Fleet, and the Marshalsea, voluntarily returned to custody when order was restored. The benefit of insolvency was extended to these poor people, many of whom were the victims of a cruel and perverse law, which made no distinction between fraud and misfortune. Such was the end of the great Gordon riots. The peace and safety of the metropolis have frequently been threatened since, in times of strong political excitement; but the lesson of 1780 has not been forgotten, and timely precau-

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tions have prevented the recurrence of terror, pillage, and bloodshed.

Fate of Lord George Gordon.

The instigator of this disgraceful commotion experienced the usual fate of the knaves and fools who minister to the delusions of the people. He lay in prison awaiting his trial for high treason, neglected and forgotten by those who, a few weeks before, looked up to him as the powerful champion of the Protestant cause. Except a small subscription collected for his defence, by some Scotch fanatics, no interest whatever was manifested in his fate; and when, at length, he was brought to trial, a merciful jury gave him the benefit of a doubt raised by the ingenuity of his counsel, the renowned Erskine, and acquitted him. Various eccentricities, at subsequent periods, reminded the world, occasionally, that the once notorious Lord George Gordon still existed; but he appeared no more in public life. He was ultimately heard of as a member of the Jewish communion, and died, it is said, in the profession of that faith.

END OF VOLUME THE SECOND.

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